

JOURNAL
OF THE
House of Representatives
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1996

HELD IN THE CITY OF MONTGOMERY, ALABAMA
COMMENCING TUESDAY, FEBRUARY 6, 1996



Vol 1

WITH AN INDEX PREPARED BY THE
CLERK OF THE HOUSE

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**JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1996**

FIRST DAY

**House of Representatives
Montgomery, Alabama
Tuesday, February 6, 1996**

JOURNAL

of the House of Representatives of the State of Alabama of the Regular Session of 1996, begun and held at the State House in the City of Montgomery, State of Alabama, on the first Tuesday in February, 1996, being the sixth day of the month in the Year of our Lord, One Thousand Nine Hundred and Ninety-Six, at 12 o'clock Noon, on which day, the day fixed by law and the Constitution for the meeting of the Legislature of Alabama, the House was called to order by the Honorable James S. Clark, Speaker of the House of Representatives.

PRAYER

The session was opened with prayer by Reverend J. Carl Kelly, Antioch Baptist Church, Camp Hill, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Lucy Lallar, 11th Grade, Prattville High School, Prattville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Mauli, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

LEAVE OF ABSENCE

At the request of Representative Hammett, leave of absence was granted for Representative Letson.

RESOLUTIONS

The following resolutions were introduced:

By Representative Hammett:

H.R. 1. NOTIFY SENATE

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Clerk of the House of Representatives notify the Senate that the House is now in session and is ready for the transaction of public business.

On motion of Representative Hammett, the rules were suspended and the resolution, H.R. 1, was adopted.

Also:

By Representative Hammett:

H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

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BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a committee of six, consisting of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Representative Hammett, the rules were suspended and the resolution, H.J.R. 2, was adopted.

The Speaker appointed as a committee on the part of the House, Representatives Wren, Clouse and Papucci.

Also:

By Representative Hammett:

H.J.R. 3. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the House and Senate be held at 6:30 p.m. on Tuesday, February 6, 1996, for the purpose of hearing the message of the Honorable Fob James, Governor of Alabama.

BE IT FURTHER RESOLVED, That a committee of six, consisting of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House Chamber in the State Capitol for the joint session.

On motion of Representative Hammett, the rules were suspended and the resolution, H.J.R. 3, was adopted.

The Speaker appointed as a committee on the part of the House, Representatives Wren, Clouse and Papucci.

FIRST READING ON PREFILED BILLS

Bills which had been prefiled and assigned to appropriate standing committees prior to the convening of this Regular Session, pursuant to Joint Rule 10 of the two Houses of the Legislature, were introduced severally, read one time and formally referred to the same committees as follows:

By Representative Reed (With Notice and Proof):

H. 1. To authorize the operator of the greyhound racetrack licensed by the Macon County Racing Commission to transmit televised racing events to other racetracks in the State of Alabama and to locations outside the state for pari-mutuel wagering thereon and to create and administer pari-mutuel pools that include bettors at locations receiving the televised racing events; to authorize the operator of the racetrack licensed by the Macon County Racing Commission to receive televised racing events from racetracks in the state and outside the state for pari-mutuel wagering thereon, to conduct pari-mutuel wagering on such racing events, and to participate in pari-mutuel pools that include bettors on such racing events at other locations; to facilitate pari-mutuel wagering on both live and televised racing events by prescribing new schedule of takeouts from pari-mutuel pools that are permitted to be withdrawn by the operator of the greyhound race-track licensed by the Macon County Racing Commission; to provide for changing the hours of operation for the racetrack licensed by the Macon County Racing Commission; and to amend Act No. 83-575 to modify the compensation and expense allowances of members of the Macon County Racing Commission.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 1, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Hogan:

H. 2. To require that owners and operators of retail stores install and maintain operational security cameras in their stores under certain conditions.

COMMITTEE ON BUSINESS AND LABOR

By Representative Crigler:

H. 3. To further provide for gill net fishing and licensure for hardship cases; to create the Board of Gill Net Hardship Licenses; to provide for the powers and duties of the board; to authorize the board to issue and enforce rules and regulations pursuant to the Alabama Administrative Procedure Act to implement this act; and to provide that this act is cumulative.

COMMITTEE ON NAVIGATION AND
WATERWAYS

By Representative Crigler:

H. 4. To propose an amendment to the Constitution of Alabama of 1901 to

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provide that the people may initiate the enactment of general laws or constitutional amendments by an initiative or may reject statutes or local resolutions and ordinances by local governing bodies through the procedure of referendum petition and election.

COMMITTEE ON CONSTITUTION AND ELECTIONS

The above bill was read a first time at length as required by the Constitution.

By Representative Crigler:

H. 5. To amend Section 40-9-1 of the Code of Alabama 1975, to exempt certain aircraft from ad valorem taxation.

COMMITTEE ON WAYS AND MEANS

By Representative Morrison:

H. 6. Relating to enrollment sizes for classes in grades K-12 in the public schools of the state; to establish certain maximum enrollment sizes for these classes on a phased-in basis beginning school year 1999-2000.

COMMITTEE ON WAYS AND MEANS

By Representative Morrison:

H. 7. To provide that any person who is permanently disabled and is otherwise qualified for a special fishing or crossbow hunting license shall not be required to furnish more than the licensed physician's affidavit of permanent disability for the initial issuance of the special fishing or crossbow hunting license.

**COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES**

By Representative Morrison:

H. 8. To amend Section 13A-6-61 of the Code of Alabama 1975, relating to rape in the first degree; to provide that a person who is convicted of the rape of a person who is less than 16 years of age, or who is confined to a nursing home, or who is confined to a mental institution would be sentenced to a minimum term of imprisonment of 25 years.

COMMITTEE ON JUDICIARY

By Representative Wren:

H. 9. To exempt the Camp Smile-A-Mile from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Smith:

H. 10. To amend Section 36-26-36, Code of Alabama 1975, to provide further for partial payment for accrued sick leave for certain state employees.

COMMITTEE ON WAYS AND MEANS

By Representatives Hogan and Guin:

H. 11. To make an appropriation of \$27,000 from the Education Trust Fund for the support and maintenance of the Adam Bishop Center at Northwest Alabama Child Care Services for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Galliher, Ford, and Page:

H. 12. To amend Section 41-23-30, Code of Alabama 1975; to provide additional tax exemptions for certain eligible businesses under the Alabama Enterprise Zone Act.

COMMITTEE ON WAYS AND MEANS

By Representative Mitchell:

H. 13. To abolish the State Pilotage Commission; and to transfer all powers, duties, and authority of the commission to the harbor master appointed by the Director of the State Docks Department.

COMMITTEE ON NAVIGATION AND
WATERWAYS

By Representative Rogers (J):

H. 14. To amend Section 13A-6-20, Code of Alabama 1975, to provide that any assault committed by an inmate on a state employee would be classified as assault in the first degree.

COMMITTEE ON JUDICIARY

By Representative Gipson:

H. 15. Relating to the Public Service Commission; amending Sections 37-1-12 and 37-1-16 of the Code of Alabama 1975, which authorize the commission to employ personnel as members of its staff using provisions of the

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state merit system; and repealing Sections 37-1-12.1 and 37-1-12.2 of the Code of Alabama 1975, which relate to the hiring of certain employees outside the state merit system.

COMMITTEE ON STATE ADMINISTRATION

By Representative Crigler:

H. 16. To further provide for gill net fishing and licensure for hardship cases; to create the Board of Gill Net Hardship Licenses; to provide for the powers and duties of the board; to authorize the board to issue and enforce rules and regulations pursuant to the Alabama Administrative Procedure Act to implement this act; and to provide that this act is cumulative.

**COMMITTEE ON NAVIGATION AND
WATERWAYS**

By Representative Laird:

H. 17. Relating to subordinate officers and employees of the Legislature; providing for the election, appointment, number, duties, powers, compensation, classification, and supervision of these officers and employees; providing that the Offices of the Lieutenant Governor and the Speaker of the House of Representatives are distinct and specifying the powers of the Lieutenant Governor and the Speaker in the operation of their offices; amending Sections 29-1-9, 29-1-12, 29-2-22, 29-2-41, and 29-2-62 of the Code of Alabama 1975; repealing Chapter 4 of Title 29 of the Code of Alabama 1975 and adding a new chapter in lieu thereof relating to subordinate officers and employees of the Legislature; repealing Sections 29-2-7, 29-2-21, and 29-2-53 of the Code of Alabama 1975; and providing for a delayed effective date.

COMMITTEE ON STATE ADMINISTRATION

By Representative Newton (D):

H. 18. To establish the Alabama Alcoholic Beverage Control Board as the state agency responsible for regulating and enforcing state and federal laws prohibiting the sale of tobacco or tobacco products to minors; to provide permits for the distribution of tobacco or tobacco products; to authorize the Alabama Alcoholic Beverage Control Board to promulgate rules and regulations; and to provide penalties for violations.

COMMITTEE ON STATE ADMINISTRATION

By Representative Morrison:

H. 19. Relating to registration of certain public offenders and community notification of their release from incarceration; to provide for the transmission of

the registration of such persons to the district attorney, certain law enforcement agencies, and the Director of the Department of Public Safety; to require the transmission of conviction data and fingerprints to the Federal Bureau of Investigation; to provide for a central registry; to provide law enforcement access to the central registry and provide for the release of certain information regarding sex offenders to the public when necessary for public protection; to provide for community notification of the impending release of a sex offender; and to establish a notification advisory council to consult with and provide recommendations to the Attorney General concerning the guidelines for community notification.

COMMITTEE ON JUDICIARY

By Representative Hawk:

H. 20. To require each local school board to establish a written reduction-in-force policy.

COMMITTEE ON EDUCATION

By Representative Hawk:

H. 21. To provide that the court may award joint custody to both parents if it is in the best interest of the child; to provide definitions; to provide considerations for the court in making a determination; to enumerate factors for consideration; to authorize the court to order the parents to submit a plan for consideration by the court; to provide access by both parents to certain records concerning the child; and to provide a prospective effective date.

COMMITTEE ON JUDICIARY

By Representative Hawk:

H. 22. To amend Section 13A-10-1, Code of Alabama 1975, relating to definitions in offenses relating to obstruction of public administration, to include volunteer firefighters in the definition of "Firemen" and the fire control activities of volunteer fire departments in the definition of "Governmental Function."

COMMITTEE ON JUDICIARY

By Representative Hawk:

H. 23. To empower certain federal law enforcement officers to enforce the laws of this state and to arrest persons violating the laws of this state.

COMMITTEE ON JUDICIARY

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By Representative Hawk:

H. 24. To amend Section 12-13-1 of the Code of Alabama 1975, relating to the jurisdiction of the probate court; to provide that the probate court shall not have the jurisdiction to change the name of a person convicted of a felony offense; and to require the person who files a petition to change his or her name to file a declaration that he or she has not been convicted of a felony offense.

COMMITTEE ON JUDICIARY

By Representative Hawk:

H. 25. To amend Sections 12-19-250, 12-19-250.1, and 12-19-251 of the Code of Alabama 1975; to rename the existing docket fee and the "Fair Trial Tax Fund"; and to increase the docket fees in certain drug-related offenses and provide for the proceeds to be used for the representation of indigent criminal defendants, juveniles, and certain other persons; and to amend Section 15-12-21, Code of Alabama 1975, relating to appointment and compensation of attorneys appointed to represent an indigent criminal defendant, a juvenile, or certain other persons; to provide for an increase of the hourly compensation for in-court and out-of-court time of attorneys; to provide further for the limit on the compensation of attorneys in certain criminal cases; to provide that the courts may approve an attorney's fee in excess of the maximum attorney's fee allowed for good cause shown.

COMMITTEE ON JUDICIARY

By Representative Dukes:

H. 26. To exempt the Princess Theatre Center for the Performing Arts from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Petelos, Page, Hinshaw, Hall (A), Papucci, Curry, Robinson, Murphree, Hill, and Galliher:

H. 27. To provide for special procedural due process rights for law enforcement officers prior to certain disciplinary actions against the officers.

COMMITTEE ON JUDICIARY

By Representative Box:

H. 28. To repeal Section 14-3-59 of the Code of Alabama 1975, relating to posting statutes on escapes by convicts.

COMMITTEE ON STATE ADMINISTRATION

By Representative Curry:

H. 29. To further provide for the escheat of unclaimed funds of inmates of the Department of Corrections; and to provide for the continuing appropriation of the escheated funds for the operation of the department.

COMMITTEE ON STATE ADMINISTRATION

By Representative Clouse:

H. 30. To amend Section 28-4-31, Code of Alabama 1975, relating to the prohibition against using the words saloon, buffet, or bar in describing places where alcoholic beverages are sold, to remove the prohibition.

COMMITTEE ON BUSINESS AND LABOR

By Representative Clouse:

H. 31. To amend Section 40-12-290, Code of Alabama 1975, to further provide an age requirement for a motor vehicle to be eligible for an antique license tag, effective October 1, 1996; and to provide for violations.

COMMITTEE ON WAYS AND MEANS

By Representative Laird:

H. 32. To propose an amendment to the Constitution of Alabama of 1901, relating to Clay County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments; providing for expenditure and accounting of the funds; providing for the tax to self-destruct upon dissolution of the Clay County Volunteer Fire Department Association; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Laird:

H. 33. To repeal in its entirety Act 95-762 and to make a \$6,616,000 supplemental appropriation from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1996, to the State Board of Education to be distributed to six local boards of education for capital outlay purposes for the construction of or repairs to schools damaged by windstorm or fire.

COMMITTEE ON WAYS AND MEANS

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By Representative Smith:

H. 34. Exempting property in this state from the satisfaction of a claim or judgement of another state or a political subdivision of another state for unpaid income taxes on certain retirement benefits.

COMMITTEE ON WAYS AND MEANS

By Representative Box:

H. 35. To amend Sections 25-4-10 and 25-5-50, Code of Alabama 1975, relating to exclusions from the definition of employment for state unemployment compensation and workers compensation purposes, respectively; to clarify and confirm the Legislature's intent that certain product demonstrators shall be considered self-employed independent contractors for purposes of determining eligibility for state unemployment and workers compensation, and not as employees; and to provide for a retroactive effective date.

COMMITTEE ON BUSINESS AND LABOR

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Knight (A):

H. 36. To encourage environmental, health, or safety (EHS) audits by creating a qualified EHS audit privilege; to provide for the use of the EHS audit privilege.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representative Curry:

H. 37. To make a supplemental appropriation from the Department of Corrections Special Revenue Fund in the amount of \$3,800,000 and the Correctional Industries Revolving Fund in the amount of \$2,161,000 to the Department of Corrections for the fiscal year ending September 30, 1996.

COMMITTEE ON WAYS AND MEANS

By Representatives Dean, Knight (J), Bandy, Vance, Jackson, Millican, Gaston, Hooper, Johnson (E), Houston, Wren, Allen, Robinson, Hilliard, Spratt, Gipson, Newton (D), Rogers (J), Baker, Buskey, Crigler, Kennedy, White, Carothers, Warren, Laird, Dolbare, Layson, Turner, Mitchell, Guin, Hogan, Johnson (R), Reed, Melton, Box, Murphree, Clouse, and Curry:

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H. 38. To amend Section 36-26-36, Code of Alabama 1975, to provide further for partial payment for accrued sick leave for certain state employees.

COMMITTEE ON WAYS AND MEANS

By Representatives Curry and White:

H. 39. To amend Section 29-2-20, Code of Alabama 1975, to provide for the appointment of additional members to the Joint Prison Committee; and to provide further for the duties of the committee.

COMMITTEE ON STATE ADMINISTRATION

By Representatives White and Curry:

H. 40. To amend Section 15-18-83 of the Code of Alabama 1975, to provide further for persons who may be present at an execution.

COMMITTEE ON JUDICIARY

By Representative Curry:

H. 41. To amend Section 17-4-132, Code of Alabama 1975, to remove the requirement that a voter be notified by certified mail before the voter's name is purged from the registration list for committing a felony involving moral turpitude.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Curry and Laird:

H. 42. To establish a pension fund for Alabama firefighters; to provide for the disposition of monies, deposits, investments, and the maintenance of books and records; to fix a monthly fee; to provide for eligibility criteria; to provide for refunds of contributions; to require reports and audits of the fund; and to restrict the assignability of rights.

COMMITTEE ON WAYS AND MEANS

By Representative Curry:

H. 43. Proposing an amendment to Section 6.15 of Amendment No. 328 to the Constitution of Alabama of 1901, providing for the expiration of the term of office of a judge who fails to be re-elected to office.

COMMITTEE ON CONSTITUTION AND ELECTIONS

The above bill was read a first time at length as required by the Constitution.

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By Representatives Maull, Sanderford, and Thomas (D):

H. 44. To provide that appeals from death sentence cases and from post conviction writs involving death sentence cases shall be made directly to the Alabama Supreme Court; to amend Sections 12-3-9 and 13A-5-53, Code of Alabama 1975; and to provide that the Alabama Supreme Court shall amend the Alabama Rules of Appellate Procedure to accommodate and reflect the provisions of this act.

COMMITTEE ON JUDICIARY

By Representative Buskey (With Notice and Proof):

H. 45. To provide that the city council or governing body of a Class 2 municipality shall meet not less than 48 times per year.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 45, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Buskey (With Notice and Proof):

H. 46. To amend Section 11-44C-28, Code of Alabama 1975, relating to the meetings of the city councils of Class 2 municipalities, to provide that by a vote of five members, a regularly scheduled meeting may be cancelled.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 46, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Townsend and Parker (T):

H. 47. To amend Section 32-1-4 of the Code of Alabama 1975, relating to the circumstances where appearance before a magistrate is not required upon arrest for a traffic offense; to provide that a person arrested for a traffic violation punishable as a misdemeanor would be required to appear before a magistrate in certain cases where the person is not validly licensed or whose identity cannot be established by the arresting officer.

COMMITTEE ON HIGHWAY SAFETY

By Representatives Townsend, Hammett, Dukes, Wren, Allen, and Turner:

H. 48. Providing for distinctive motor vehicle license tags or plates for supporters of Civitan International; prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Curry:

H. 49. To amend Sections 9-16-2, 9-16-5, 9-16-7, and 9-16-12 of the Code of Alabama 1975, and Section 9-16-8 of the Code of Alabama 1975, as amended by Act No. 95-737, H. 48, 1995 Regular Session, relating to surface mining; to include new definitions; to authorize the Department of Industrial Relations to require certain information from applicants seeking permits to engage in surface mining operations; to increase the cost of a permit for a surface mining operation by a certain additional acreage fee; to prescribe criteria for denying permits; to modify requirements for grading and revegetating lands after mining; to increase the performance bonds required of operators; to authorize qualified reclamation inspectors to make inspections for bond releases; and to place certain fees, civil monetary penalties, certain appropriations by the Legislature and other appropriations in a special revenue trust fund in the state treasury to be known as the Alabama Non-Fuel Minerals Surface Mining Fund that shall be available to the Department of Industrial Relations, and provide for an appropriation for implementation of the provisions of this act.

COMMITTEE ON WAYS AND MEANS

By Representative Starkey:

H. 50. To allow certain active and contributing members of the Teachers' Retirement System to purchase up to a certain amount of service credit in the retirement system for service rendered to the United States Peace Corps subject to certain conditions.

COMMITTEE ON WAYS AND MEANS

By Representative Starkey:

H. 51. To amend Sections 41-9-781 and 41-9-782, Code of Alabama 1975, to provide further for the receipt and disbursement of certain funds by the Tennessee Valley Exhibit Commission and the members of the commission.

COMMITTEE ON WAYS AND MEANS

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By Representative Papucci:

H. 52. To amend Sections 16-9-2 and 16-9-8, Code of Alabama 1975, relating to county superintendents of education, to authorize the Legislature, by local law, to provide for residency requirements and exceptions to the time elected county superintendents of education take office.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Papucci:

H. 53. To amend Section 33-12-2, Code of Alabama 1975, to provide further for the board of directors of the Elk River Development Agency.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Hawkins, Hammett, and Pringle:

H. 54. To provide for a construction industry craft training education program in vocational schools, technical schools, trade schools, and colleges; to establish the Alabama Construction Industry Training Board; and to impose a construction permit surcharge to fund a construction industry craft training program.

COMMITTEE ON STATE ADMINISTRATION

By Representative Dukes:

H. 55. Relating to municipalities; to amend Section 11-51-91, Code of Alabama 1975, which relates to license taxes in the police jurisdiction of a municipality, to provide that any calculation as to the cost of providing services in the police jurisdiction shall not be required to be made based upon the incremental cost accounting method or any similar method which excludes therefrom the fixed or capital cost or expenditures of the municipality to provide services in the police jurisdiction and to provide that it shall be sufficient calculation that the municipality make a reasonable estimate of the cost of providing the services within the police jurisdiction, including any fixed or capital cost it deems reasonable; to provide that a municipal governing body may cease to levy and collect license taxes and sales and use taxes within its respective police jurisdiction and, at the same time, cease providing services in the police jurisdiction financed in whole or in part thereby and to establish a procedure for the implementation thereof; to provide for the return of excess taxes collected from the police jurisdiction; to provide immunity from any liability or damages arising out of or in any way associated with the decision to terminate police jurisdiction services and taxation in the police jurisdiction; to provide that no city or town shall be required or compelled through injunctive, declaratory, or any other form of equitable or mandatory relief by any court of competent jurisdiction of this state to continue to provide any services within its respective police jurisdiction; to provide that this act shall not prohibit any city or

town from providing services in its police jurisdiction or elsewhere as it is otherwise authorized to do by state law; and to validate ordinances previously adopted and implemented whose purpose was to terminate services within the police jurisdiction and to terminate the levy and collection of license taxes and sales and use taxes within the police jurisdiction.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Dukes:

H. 56. To provide that county commissions may collect or contract for the collection of local taxes that are authorized to be levied by a general or local act.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Crigler, Seibenhener, Dolbare, Hogan, Jackson, Vance, Pringle, Dean, Carns, Clouse, Turner, Sanderford, Haney, Parker (T), McMillan, Maull, McDaniel, Burke, Newton (C), Papucci, Thomas (D), Curry, Penry, Smith, Sims, Allen, and Gaston:

H. 57. To amend Section 13A-12-200.2 of the Code of Alabama 1975, to further provide for the penalties for the distribution of obscene material or the possession of obscene material with the intent to distribute or the production of obscene material for pecuniary value.

COMMITTEE ON JUDICIARY

By Representative Crigler:

H. 58. To further provide for the issuance of hunting and fishing licenses for certain persons who are 65 years of age and older and who are disabled, whether residents or non-residents.

COMMITTEE ON WAYS AND MEANS

By Representative Crigler:

H. 59. To prohibit the discharge of a firearm within a certain distance of a residence located in the unincorporated area of the police jurisdiction of a municipality; to provide for misdemeanor penalties for violations of this act; and to make certain exemptions.

COMMITTEE ON JUDICIARY

By Representative Crigler:

H. 60. Proposing an amendment to Section 46 of the Constitution of Alabama of 1901, relating to the elections and terms of office for state Senators and members of the state House of Representatives, so as to limit the legislative terms.

COMMITTEE ON CONSTITUTION AND ELECTIONS

The above bill was read a first time at length as required by the Constitution.

By Representative Crigler:

H. 61. Relating to the civil action for damages because of disparagement of a food product or commodity; amending Sections 6-5-620, 6-5-621, 6-5-623, and 6-5-624 of the Code of Alabama 1975, relating, respectively, to the legislative intent, definitions, defenses, and limitations on the cause of action for damages in disparagement actions.

COMMITTEE ON JUDICIARY

By Representative Johnson (R):

H. 62. To amend Section 6-2-33 of the Code of Alabama 1975, which provides for the statute of limitations for certain civil actions against sheriffs, coroners, constables, and other public officers for nonfeasance, misfeasance and malfeasance in office, to further provide that the statutory period for action against the officers would apply only to actions brought by or on behalf of the State of Alabama, a county, a municipality, or other political subdivision of the state; and to provide an effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Johnson (R):

H. 63. To amend Section 6-2-8, Code of Alabama 1975, which relates to the extension of the time for the commencement of certain civil actions; actions for entry upon land; or defenses based on title to real property, to remove the extended period of time allowed for the commencement of a civil action by certain persons imprisoned on a criminal charge for a term less than life.

COMMITTEE ON WAYS AND MEANS

By Representative Johnson (R):

H. 64. To provide further for certificates of need issued by the State Health Planning and Development Agency for mobile lithotripters in this state; and to provide that this act shall apply to applications for a certificate of need filed after October 6, 1993.

COMMITTEE ON HEALTH

By Representative Johnson (R):

H. 65. To amend Section 17-9-5, Code of Alabama 1975, relating to voting machines, to authorize a county or city governing body to discontinue the use of voting machines by resolution and to validate certain actions taken by county commissions and municipalities; and to further provide for the payments for the sale or rental of voting machines or equipment to the governmental entity owning the machines.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Johnson (R):

H. 66. To amend Section 15-12-21, Code of Alabama 1975, relating to appointment and compensation of attorneys appointed to represent an indigent criminal defendant, a juvenile, or certain other persons; to provide for an increase of the hourly compensation for in-court and out-of-court time of attorneys.

COMMITTEE ON WAYS AND MEANS

By Representative Johnson (R):

H. 67. To provide an action for civil damages for certain persons who are injured as a result of the illegal marketing of controlled substances; and to provide for damages.

COMMITTEE ON JUDICIARY

By Representatives White and Knight (J):

H. 68. To make an appropriation of \$61,892 from the Education Trust Fund for the support and maintenance of the Southern Normal School for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Newton (D) (With Notice and Proof):

H. 69. To repeal Act No. 516 of the 1931 Regular Session, as formerly codified by Section 597 of Title 62 of the Code of Alabama 1940, and as amended by Act No. 443 of the 1947 Regular Session, and to provide for a retroactive effect.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 69, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

**REGULAR SESSION
1st Day**

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By Representatives Turner and Dean:

H. 70. To provide for a salary increase for certain state employees and to appropriate funds therefor for the fiscal year beginning October 1, 1996.

COMMITTEE ON WAYS AND MEANS

By Representatives Gaston, Dean, and Guin:

H. 71. To provide a tax credit for taxpayers who donate high technology equipment to public schools.

COMMITTEE ON WAYS AND MEANS

By Representatives Gaston, Dean, and Guin:

H. 72. To amend Section 40-3-20, Code of Alabama 1975, to extend the period for filing objections to notice of valuation of property.

COMMITTEE ON WAYS AND MEANS

By Representatives Turner, Hooper, Allen, Moore, Clouse, Seibenhener, Baker, Morrison, Dukes, Hill, McMillan, Penry, McDaniel, Curry, Wren, Jackson, Hayden, Dolbare, Sims, Thomas (D), McKee, Burke, Parker (T), Haney, Hogan, Newton (C), Vance, Starkey, Papucci, Smith, Venable, Dean, Sanderford, Townsend, Crigler, Pringle, Gaston, Flowers, Layson, Carns, Knight (A), Box, Maull, Mitchell, Carothers, Johnson (R), Laird, Johnson (E), Rogers (J), McAdory, White, Hawkins, Sanderson, and Collins:

H. 73. To provide that a person who devises a scheme to defraud another person and communicates in any way in furtherance of this scheme is guilty of fraud; to provide that criminal fraud would be a Class C felony; to provide that reliance is not a necessary element of the offense; and to provide that puffing would not be an element of criminal fraud.

COMMITTEE ON JUDICIARY

By Representatives Thomas (D), Gaines, Knight (A), Hill, Petelos, Curry, Rogers (M), Galliher, Gipson, Robinson, Johnson (R), Clouse, Seibenhener, Willis, Sims, McKee, Vance, Wren, Sanderson, McMillan, Penry, Hinshaw, Morrow, Allen, Guin, Collins, Hawkins, and McDaniel:

H. 74. To amend Section 16-60-191 of the Code of Alabama 1975, relating to state trade schools, to delete the reference to the training of students in the arts and sciences in the stated purpose for state trade schools.

COMMITTEE ON EDUCATION

By Representatives Thomas (D), Hill, Sanderford, Turner, Pringle, Maull, Sanderson, Collins, Allen, Hawkins, Seibenhener, McDaniel, and Knight (A):

H. 75. To amend Sections 12-15-1 and 12-15-58 of the Code of Alabama 1975, relating to children in need of supervision; to include the violation of juvenile curfew ordinances in the definition of a child in need of supervision and exclude that violation from the definition of a delinquent act; and to provide that a child being held for the violation of a municipal curfew ordinance be held in a curfew detention facility.

COMMITTEE ON JUDICIARY

By Representatives Gaston and Dean:

H. 76. To exempt the Camp Rap-A-Hope Foundation, Inc., from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Gaston and Dean:

H. 77. To exempt the Alzheimer's Disease and Related Disorders Association, Inc., and any of its branches, chapters, or agencies, from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Gaston, Dean, and Allen:

H. 78. To amend Section 36-6-291, Code of Alabama 1975, to provide further for the purchase of distinctive motor vehicle license plates or tags by certain retired military.

COMMITTEE ON MILITARY AFFAIRS

By Representatives Gaston, Dean, and Allen:

H. 79. To amend Sections 32-6-230, 32-6-231, 32-6-232, 32-6-233, 32-6-234, 40-12-300, and 40-12-302, Code of Alabama 1975, relating to motor vehicle registration and license tags and placards for handicapped persons; and to establish license fees.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 80. To exempt from the state sales and use taxes sales by certain schools or school sponsored organizations if the proceeds from the sales are used for the benefit of the school.

COMMITTEE ON WAYS AND MEANS

**REGULAR SESSION
1st Day**

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By Representative Black (L) (With Notice and Proof):

H. 81. Relating to Greene County; providing for the installation of vending machines in the canteen in the county jail; and providing further for the distribution of the profits received from the vending machines.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 81, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Turnham:

H. 82. To provide for the revocation of the driver's license of a noncustodial parent who is six months or more delinquent in the payment of court-ordered child support by a court of competent jurisdiction.

COMMITTEE ON JUDICIARY

By Representative McKee:

H. 83. To amend Section 28-3-55, Code of Alabama 1975, which provides for the Cost of Evidence Fund used by the Alcoholic Beverage Control Board, to increase the amount of the fund and expand its use.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Venable, McMillan, Newton (C), Curry, Thomas (D), Rogers (M), Hammett, Morrison, Smith, Seibenhener, Turnham, Willis, and Dean:

H. 84. To amend Sections 17-10-7, 17-10-9, and 17-10-10, Code of Alabama 1975, to provide for modifications to the language which is required to be printed on an absentee ballot envelope; to further prohibit county election officials from counting absentee ballots which are unwitnessed and unnotarized; and to provide for a delayed effective date.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Venable:

H. 85. To repeal Section 2-3-22, Code of Alabama 1975, providing the Commissioner of the Department of Agriculture and Industries authority to employ one person in the unclassified service for each market of the department.

COMMITTEE ON STATE ADMINISTRATION

By Representative Venable:

H. 86. To amend Section 40-12-260 of the Code of Alabama 1975; to provide that effective January 1, 1998, license plates, except those issued for antique vehicles, would stay with the owner and not the vehicle; to increase the penalty to \$10 for failure to register a vehicle within 10 days of acquisition, which revenue shall be used for local jurisdiction motor vehicle administration training; to require that proof of ownership be retained in a vehicle subject to registration in this state on or after January 1, 1998, and being operated on the public roads and highways of this state; to provide penalties for violations; and to repeal Section 40-12-266 of the Code of Alabama 1975.

COMMITTEE ON HIGHWAY SAFETY

By Representatives Parker (T), Melton, Allen, Layson, and Guin:

H. 87. To make an appropriation of \$120,000 from the Education Trust Fund for the support and maintenance of the Children's Hands-On Museum in Tuscaloosa for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Rogers (M):

H. 88. To amend Section 32-6-49.8, Code of Alabama 1975, relating to commercial driver licenses; to require the state to allow third parties to administer the skills test for an applicant for a commercial driver license.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Minnifield:

H. 89. Relating to public records; to provide for the imposition of civil penalties against a public officer, public employer, or public employee denying a citizen a copy or copies of public records.

COMMITTEE ON WAYS AND MEANS

By Representatives Hill, Sanderford, Turner, Thomas (D), Gaston, Hooper, and Knight (A):

H. 90. To require individual voters to present certain identification at the polls as a prerequisite to being authorized to vote and to provide criminal penalties for violations.

COMMITTEE ON CONSTITUTION AND ELECTIONS

**REGULAR SESSION
1st Day**

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By Representatives Hill, Sanderford, Turner, Thomas (D), Gaston, Hooper, and Knight (A):

H. 91. Relating to juvenile delinquency; to amend Code of Alabama 1975: Section 12-15-53, to provide that a child alleged to be delinquent for possessing a pistol, short-barreled rifle, short-barreled shotgun, or assault weapon shall be detained in custody until the required hearing; Section 12-15-61, to provide that, subject to conditions, a child alleged or adjudicated to be delinquent may be held in a jail for up to 60 days; and Section 12-15-71, to provide that, upon a child being adjudicated delinquent for possessing a pistol, short-barreled rifle, short-barreled shotgun, or assault weapon, the weapon is forfeited and the court shall order that it be destroyed.

COMMITTEE ON JUDICIARY

By Representatives Turner and Dean:

H. 92. To provide that upon a second conviction for certain sex crimes involving a child under the age of 16 years, the court could sentence a male to be chemically castrated for a specific term and a female to be sterilized; and to provide that a person who refuses to be chemically castrated or sterilized would be guilty of a felony.

COMMITTEE ON JUDICIARY

By Representative Turner:

H. 93. To amend Section 31-2-125, Code of Alabama 1975, which prohibits unauthorized military organizations, to include the Alabama Unorganized Militia within the exemptions from the prohibition.

COMMITTEE ON JUDICIARY

By Representatives Turner and Dean (With Notice and Proof):

H. 94. Relating to Mobile County; exempting certain metal structures used for hunting camps, hunting clubs, or hunting lodges in the unincorporated areas of the county from the inspection requirements of county ordinances and the county building code relating to plumbing, electricity, and other utilities.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 94, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Lindsey:

H. 95. To provide distinctive motor vehicle license tags or plates to honor cotton producers; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Lindsey:

H. 96. To amend Section 2-19-121 of the Code of Alabama 1975, to further provide for the definitions, including "confirmation phase" and "elimination zone," of the boll weevil eradication program; and to amend Section 2-19-134 of the Code of Alabama 1975, relating to the conduct of referendums for the boll weevil eradication program; to provide for the referendum requirements when the elimination zone is in the confirmation phase of the eradication program.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representatives Flowers and Fuller:

H. 97. To establish a vision screening program to test the vision of certain public school students and to make an appropriation from the Education Trust Fund to the State Board of Education for the fiscal year ending September 30, 1997, for implementation of the program.

COMMITTEE ON WAYS AND MEANS

By Representatives Flowers and Townsend:

H. 98. Relating to insurance, to provide further for the regulation of insurance: By amending the standard valuation law, set forth in Section 27-36-7, Code of Alabama 1975, which sets forth the minimum requirements for the valuation of the reserves of life insurers so as to make it substantially similar to the latest version of the model standard valuation law as adopted by the National Association of Insurance Commissioners; by requiring every domestic insurer to file a report with the commissioner disclosing material acquisitions and dispositions of assets and material nonrenewals, cancellations, or revisions of ceded reinsurance agreements, not already required to be submitted to the commissioner, for review, approval, or information purposes pursuant to other insurance laws, regulations, or other requirements; and by setting forth a risk-based capital requirement based on the Risk-Based Capital for Insurers Model Act adopted by the National Association of Insurance Commissioners.

COMMITTEE ON INSURANCE

**REGULAR SESSION
1st Day**

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By Representatives Flowers, Hooper, Dean, Turnham, and Townsend:

H. 99. To regulate and license the practice of interior design; to create the Alabama State Board of Registration for Interior Design; to provide for certain powers and duties of the board; to provide requirements and procedures for the issuance of a certificate of registration; to provide for criminal penalties and disciplinary actions; to establish hearings and appeals for disciplinary proceedings; to provide for disposition of fees received by the board; to repeal Sections 34-15A-1 to 34-15A-7, inclusive, Code of Alabama 1975; and to provide for an effective date.

COMMITTEE ON STATE ADMINISTRATION

By Representative Mitchell:

H. 100. To amend Section 64 of the Constitution of Alabama of 1901, to prohibit either house of the Legislature from voting to adopt a conference committee report on the General Fund Budget or the Education Trust Fund Budget within 72 hours of the receipt of the conference committee report by that house.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representative Turner (With Notice and Proof):

H. 101. Relating to the Mobile County Commission; to provide for five commissioners elected from single-member districts effective with the election in November 1996; to provide for the boundaries of the five commission districts; to provide for the selection of the chair; to provide for the salary of the commissioners; to provide for a referendum election; and to repeal all conflicting law.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 101, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Turner (With Notice and Proof):

H. 102. To propose an amendment to the Constitution of Alabama of 1901, to provide that the Legislature may, by local act, provide for two separate school boards in the county.

COMMITTEE ON LOCAL LEGISLATION NO. 3

The above bill was read a first time at length as required by the Constitution.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 102, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Newton (D):

H. 103. Requiring the Code Commissioner to have acts of the Legislature and the Code of Alabama 1975 copyrighted; permitting state agencies to purchase the code and abolishing portions of the present distribution system; providing that the contract for the publishing and selling of the Code of Alabama 1975 shall not be subject to laws regarding competitive bidding contracts; providing for the determination of the price the publisher will charge for the sale of the code; providing for maintenance of distribution records, ownership, judicial action for the value of misappropriated codes, and appropriations; permitting the Code Commissioner, upon a determination by the Legislative Council, to contract for the publishing of compilations of portions of the code regarding a specific state agency; repealing provisions regarding lost or destroyed copies and distribution; amending Sections 36-13-5, 41-21-1, 41-21-4, 41-21-5, 41-21-6, 41-21-7, and 41-21-8, Code of Alabama 1975; repealing Sections 41-21-2 and 41-21-3, Code of Alabama 1975; and providing a prospective effective date for certain sections of the act.

COMMITTEE ON JUDICIARY

By Representative Newton (D):

H. 104. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1995 Regular Session of the Legislature as contained in the 1995 Cumulative Supplement to certain volumes of the Code and in the 1995 Replacement Volumes 11, 12A, 13, and 13A of the Code; to make corrections in certain volumes of the cumulative supplement; to specify that this adoption and incorporation constitutes a continuous systematic codification of the entire Code of Alabama 1975 and that this act is a law that adopts a code; to declare that the Code Publisher has certified it has discharged its duties regarding the replacement volumes; to expressly provide that this act does not affect any 1996 statute; and to specify the duties of the Secretary of State regarding the custody of these cumulative supplements and replacement volumes.

COMMITTEE ON JUDICIARY

By Representatives Townsend, Wren, Flowers, Sanderford, Papucci, Murphree, Laird, and Layson:

H. 105. Relating to insurance, to provide further for an effective and efficient system whereby the Commissioner of Insurance may collect certain fees, licenses, and miscellaneous charges and deposit those receipts into the State Treasury; to create a fund to be known as the "Insurance Department Fund"; to provide for the distribution of the funds with fifty percent credited to the State General Fund and fifty percent credited to the "Insurance Department Fund"; to provide for the payment of certain expenses of the Department of Insurance; to appropriate those sums for certain expenses incurred by the Department of Insurance; and to allow the expenses of the Department of Insurance to continue to be paid by appropriations from the State General Fund for the fiscal years ending September 30, 1996 and 1997.

COMMITTEE ON WAYS AND MEANS

By Representatives Page and Turner:

H. 106. To amend Section 32-8-31, Code of Alabama 1975, relating to exemptions of the required certificate of title registration pursuant to the Alabama Uniform Certificate of Title and Antitheft Act (Chapter 8 of Title 32); to provide an exemption for utility trailers that are less than 10 feet in length; and to provide for an effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives McKee, Carns, Laird, Hogan, Vance, Dean, Turner, Clouse, Galliher, Hill, and Knight (A):

H. 107. To provide for the suspension or revocation of professional, occupational, business, recreational, and drivers' licenses for the failure to pay child support, and to establish criteria for reissuing the licenses.

COMMITTEE ON JUDICIARY

By Representatives Gaston and Dean:

H. 108. To provide that a tenant may by written waiver contained in the lease waive the requirement of being provided with a 10-day notice; to provide that the landlord may be awarded immediate possession of the property prior to the entry of a final judgment if the landlord files and the court approves a possession bond; and to provide that the tenant may remain in possession by filing a counterbond.

COMMITTEE ON JUDICIARY

By Representatives Page, Turner, Hill, and Parker (T):

H. 109. To amend Section 32-8-30 of the Code of Alabama 1975, to provide further for motor vehicles required to be titled.

COMMITTEE ON WAYS AND MEANS

By Representative Newton (D):

H. 110. To exempt the Birmingham Civil Rights Institute, from all state, county, and municipal income, license, and sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Newton (D):

H. 111. Relating to the compilation of the Code of Alabama 1975, prohibiting the altering of the sense, meaning, or effect of any act by the Code Commissioner in compiling the code; permitting the performance of specified editorial work by the Code Commissioner; providing that upon the adoption and incorporation of the annual cumulative supplement and each replacement volume into the code by statute, that supplement or replacement volume would be considered as part of the entire Code of Alabama and construed in the same manner as all other portions of the code; providing that this adoption and incorporation would constitute a continuous systematic codification of the entire code; providing that the statute specifying this adoption and incorporation would be construed as a law adopting a code; and declaring certain legislative findings.

COMMITTEE ON JUDICIARY

By Representative Newton (D):

H. 112. To establish the Alabama Alcoholic Beverage Control Board as the state agency responsible for regulating and enforcing state and federal laws prohibiting the sale of tobacco or tobacco products to minors; to provide permits for the distribution of tobacco or tobacco products; to authorize the Alabama Alcoholic Beverage Control Board to promulgate rules and regulations; and to provide penalties for violations.

COMMITTEE ON STATE ADMINISTRATION

By Representative Smith:

H. 113. To allow an active and contributing member of the Teachers' Retirement System to purchase a certain amount of service credit in the system of time spent on maternity leave and to provide for a period of time for purchase of the service credit.

COMMITTEE ON WAYS AND MEANS

By Representative Smith:

H. 114. To amend Section 13A-9-13.3, Code of Alabama 1975, relating to negotiating worthless negotiable instruments, to exempt personal checks from certain procedural requirements.

COMMITTEE ON JUDICIARY

By Representative Smith:

H. 115. To require the Department of Public Health to obtain criminal history background information on persons whom the department employs or contracts with to provide home health care services.

COMMITTEE ON HEALTH

By Representative Smith:

H. 116. To authorize law enforcement officers to summon witnesses and administer oaths pursuant to an investigation.

COMMITTEE ON JUDICIARY

By Representatives Dean, Crigler, Gaston, Carns, Clouse, Gipson, Seibenhener, Vance, Flowers, McDaniel, Wren, Hawkins, Turner, Allen, McMillan, McKee, Pringle, and Hooper:

H. 117. To provide that a person who has been convicted of a crime that carries a term of imprisonment shall be detained and denied bail unless, after a hearing, a judge makes certain findings.

COMMITTEE ON JUDICIARY

By Representative Curry:

H. 118. To amend Code of Alabama 1975, Section 16-20-5; to repeal Code of Alabama 1975, Sections 16-47-4 and 16-48-3; to create in the state treasury certain trust funds; and to appropriate \$4,246,247.58 out of the Education Trust Fund for fiscal year 1997 for these trust funds.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 119. To make a supplemental appropriation from the State General Fund in the amount of \$850,000 to the Child Advocacy Centers for the fiscal year ending September 30, 1996.

COMMITTEE ON WAYS AND MEANS

By Representatives Papucci and Jorgensen:

H. 120. To provide that students in grades K-12 residing in a municipality having corporate limits that extend into more than one county, and no municipal school system, shall be entitled to select and attend a public school located in an area contiguous to their area of residence and within the corporate limits of that municipality; to provide that any educational-related revenue generated by the household of the student, excluding city taxes levied for educational purposes, be payable to the board of education of the school which the student attends.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 121. To provide for a supplemental appropriation from the State General Fund for the fiscal year ending September 30, 1996, in the amount of \$2,993,334 to various state agencies; and to provide for an effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 122. To provide for a supplemental appropriation from the State General Fund for the fiscal year ending September 30, 1996, in the amount of \$6,688,000 to various state agencies; to provide for a supplemental appropriation from the Special Mental Health Fund of \$2,000,000 to the Department of Mental Health and Mental Retardation for the fiscal year ending September 30, 1996; and to provide for an effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 123. To make an appropriation from the State General Fund in the amount of \$1,700,000 to the full member Children's Advocacy Centers for the fiscal year ending September 30, 1997, and to require operations plans and audited financial statements prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 124. To amend Sections 15-13-130 and 15-13-131 of the Code of Alabama 1975, relating to the distribution of funds when bail is forfeited because of failure of the defendant to appear; to provide for the state to remit one-half of the funds received from forfeiture of bail to the county in which the defendant was charged; and to require that the funds be deposited into the county general fund to be used for the maintenance and operation of the county jail.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 125. To make a supplemental appropriation of \$200,000 from the Alabama Special Educational Trust Fund to the State Department of Education for the fiscal year ending September 30, 1996, for character education and to make a supplemental appropriation of \$300,000 from the Alabama Special Educational Trust Fund to the State Department of Education for the fiscal year ending September 30, 1996, for the Inspector Detector Program.

COMMITTEE ON WAYS AND MEANS

By Representatives McMillan, Penry, Dean, and Laird:

H. 126. To amend Section 28-3-1, Code of Alabama 1975, relating to the definitions of certain terms for alcoholic beverages purposes, to provide a definition of the term "case".

COMMITTEE ON WAYS AND MEANS

By Representatives McMillan, Turner, Penry, Dean, Warren, Laird, and Dolbare:

H. 127. To amend Section 32-5A-191 of the Code of Alabama 1975, as amended by Act No. 95-784, S. 338, 1995 Regular Session (Acts 1995, p. 1862), relating to driving while under the influence of alcohol or a controlled substance, to provide that fines collected for violations resulting from arrests by county or municipal officers shall be disbursed as provided by law.

COMMITTEE ON JUDICIARY

By Representatives McMillan, Turner, Penry, Dean, Warren, and Laird:

H. 128. To amend Section 13A-14-2, Code of Alabama 1975, relating to executive or secret sessions of any public body, board, or commission in the state charged with the duty of disbursing public funds or to which is delegated any legislative or judicial function with certain exceptions; to provide additional exceptions for meetings with an attorney to obtain advice regarding present and pending litigation, or to discuss the purchase or sale price of real property; to require reasonable prior notice of meetings; to provide that actions during meetings held in violation of this section shall be void; and to further specify criminal penalties.

COMMITTEE ON JUDICIARY

By Representatives McMillan, Turner, Penry, and Dean:

H. 129. To provide for licensure and regulation of massage therapists and massage establishments; to provide for the registration of massage therapy schools and instructors; to create the Alabama Board of Massage Therapy; to

create the Alabama Board of Massage Therapy Fund; to provide for an appropriation to the Alabama Board of Massage Therapy from the Alabama Board of Massage Therapy Fund in an amount as deemed necessary for fiscal year 1996-1997; to provide for the duties and powers of the board; and to prescribe penalties for violations of the act.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Laird and Clouse:

H. 130. To provide for a deduction under the State of Alabama income tax in certain amounts for qualifying volunteer fire, rescue, or emergency medical service members and penalties for any violations.

COMMITTEE ON WAYS AND MEANS

By Representatives Laird, Clouse, and Fuller:

H. 131. To provide for mandatory professional liability insurance or approved self insurance for all abortion or reproductive health centers as defined by state law, their employees, and for physicians providing services there; to require the obtaining of professional liability insurance by abortion or reproductive health centers in order to obtain a license to operate, renewal of a license, or for continued operation; to require the Department of Public Health to define and implement the requirements of the act.

COMMITTEE ON PUBLIC WELFARE

By Representative Clouse:

H. 132. To amend Sections 1 and 2 of Act No. 95-771, 1995 Regular Session now appearing as Sections 36-34-1 and 36-34-2, Code of Alabama 1975; and to provide further for the payment of the cost of health insurance for certain persons receiving benefits under the Employees' Retirement System.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Hooper, Sims, McKee, Carns, Guin, Flowers, Hawkins, and Allen:

H. 133. To amend Sections 22-8-4, 22-8-5 and 22-8-6 of the Code of Alabama 1975, to allow certain minors to give effective consent for medical procedures; to allow a minor who is the custodial parent of a child to consent to medical services for the child; and to give the parent or legal guardian of a minor access to medical, dental, health, or mental health records of the minor with certain exceptions.

COMMITTEE ON PUBLIC WELFARE

By Representative Wren:

H. 134. To amend Section 28-3-42, Code of Alabama 1975, relating to the duties of the Alcoholic Beverage Control Board and its administrator; to provide for filing an annual report to the Governor during the month of December unless determined otherwise by the Governor.

COMMITTEE ON STATE ADMINISTRATION

By Representative Wren:

H. 135. Providing that a deferred compensation plan authorized under Sections 36-26-14 or 36-27A-2 of the Code of Alabama 1975, shall receive the same tax deferred treatment for state income tax purposes which the plan receives from the Internal Revenue Service for federal income tax purposes.

COMMITTEE ON WAYS AND MEANS

By Representatives Wren, Morrison, Guin, Seibenhener, Galliher, Hill, Smith, Papucci, and Maull:

H. 136. To provide procedures for securing reimbursement to the Department of Corrections and counties of the expenses incurred by the state or county correctional facility for the cost of care of all persons sentenced to confinement or imprisonment in the correctional facilities; to specify the amount the state or county may seek in reimbursement and to specify certain exceptions and mitigating considerations; to specify penalties for the failure of a prisoner to cooperate; to specify the exclusive jurisdiction of the circuit court and to provide for the respective legal proceedings; to specify the powers of the Attorney General; to provide for the cost of investigation, collection, and court proceedings; and to provide that the determination of the Department of Finance of the amount due the state or county constitutes prima facie evidence of the amount.

COMMITTEE ON WAYS AND MEANS

By Representatives Black (L) and Jackson (With Notice and Proof):

H. 137. Relating to the 17th Judicial Circuit composed of Greene, Marengo, and Sumter Counties; to provide a salary supplement for district and circuit judges.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 137, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Laird:

H. 138. To transfer all duties, responsibilities, authority, power, assets, and liabilities of the Plumbers and Gas Fitters Examining Board to the Department of Labor and to repeal Section 34-37-1 to 34-37-18, inclusive, Code of Alabama 1975.

COMMITTEE ON BUSINESS AND LABOR

By Representatives Wren, Clouse, Flowers, Hawk, Johnson (E), Sanderson, Moore, Gipson, Crigler, Dean, Allen, Murphree, Seibenhener, Curry, Rogers (M), Fuller, Burke, Millican, Carothers, Willis, Venable, McKee, Hooper, Hawkins, Collins, McMillan, Johnson (R), Dolbare, Sims, Guin, Hogan, Page, Robinson, Turner, Thomas (D), Petelos, Morton, Sanderford, Gaston, Townsend, Payne, McDaniel, Rogers (J), Carns, Gaines, Hilliard, Parker (T), Morrison, Pringle, Dukes, Knight (A), Galliher, Hill, Smith, Papucci, Newton (C), Mitchell, Houston, Hall (L), Jackson, Laird, Maull, Hayden, McClammy, and Penry:

H. 139. Creating the General Fund Proration Prevention Act of 1996 to prevent proration of funds appropriated by the Legislature; providing for methods of withdrawals, repayment, and accrual of interest; and reverting excess funds to the General Fund Proration Prevention Account.

COMMITTEE ON WAYS AND MEANS

By Representatives Gaston, Moore, Box, Dean, and Townsend:

H. 140. To amend Sections 13A-9-70, 13A-9-71, 13A-9-72, and 13A-9-76, Code of Alabama 1975, relating to charitable fraud, to provide further for definitions; to provide for the registration of charitable organizations with the Attorney General and to require a registration fee and bond for certain organizations and persons; to provide for the filing by charitable organizations of an annual written financial report and the filing of all contracts between charitable organizations and professional fund raisers or commercial co-venturers; to designate the Secretary of State as agent for service of process for nonresident charitable organizations and professional fund raisers; to alter the criminal penalties for charitable fraud; to eliminate certain absolute defenses to criminal prosecution; and to clarify the civil remedies available to the Attorney General, the district attorneys, or an affected charitable organization through injunction, mandamus, or other appropriate civil remedy.

COMMITTEE ON JUDICIARY

By Representative Galliher:

H. 141. Increasing the per diem allowance established by the Governor for state officers and employees.

COMMITTEE ON WAYS AND MEANS

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By Representatives Crigler, Seibenhener, Clouse, Laird, Dolbare, Thomas (D), McKee, Turner, McMillan, Vance, Jackson, Penry, Wren, Gaston, Hogan, Guin, Sims, Allen, Sanderford, Hawkins, Knight (A), Carns, Dean, Smith, and Pringle:

H. 142. To amend Section 30-1-3, Code of Alabama 1975, to invalidate and declare void marriages between persons of the same sex.

COMMITTEE ON JUDICIARY

By Representative Lindsey:

H. 143. To propose an amendment to the Constitution of Alabama of 1901, relating to Cleburne County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments; providing for expenditure and accounting of the funds; providing for the tax to self-destruct upon dissolution of the Cleburne County Volunteer Fire Department Association; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representatives Sanderson, Thomas (D), Clouse, Carns, Hooper, Turner, Johnson (R), Fuller, Gaston, Allen, Knight (A), Rogers (M), Moore, Flowers, and Galliher:

H. 144. To amend Section 15-13-3 of the Code of Alabama 1975, relating to persons ineligible for bail; to provide certain persons charged with non-capital felonies may be detained without bail after a hearing; to create a rebuttable presumption that detention is warranted for certain serious felonies; and to provide for judicial review where defendants have been unable to obtain release from custody on bail.

COMMITTEE ON JUDICIARY

By Representatives Sanderson, Thomas (D), Clouse, Carns, Hooper, Turner, Johnson (R), Fuller, Gaston, Allen, Knight (A), Moore, Flowers, and Galliher:

H. 145. Proposing an amendment to Article I, Section 16 of the Constitution of Alabama of 1901; relating to bail; to provide that the right of a defendant to pretrial release shall be as provided by law.

COMMITTEE ON JUDICIARY

The above bill was read a first time at length as required by the Constitution.

By Representative Hawkins:

H. 146. To amend Section 11-52-31, Code of Alabama 1975, relating to the adoption, publication, and certification of subdivision regulations by planning commissions; provisions therein as to arrangement, etc., of streets, etc.; provisions as to completion of streets, mains, etc.; and approval of subdivision plat.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Sanderson, Turner, Johnson (R), Fuller, Gaston, Pringle, Allen, Rogers (M), Curry, Knight (A), Hill, Moore, Flowers, and Galliher:

H. 147. To amend Sections 9-11-270, 9-11-271, 9-11-273, and 9-11-275 of the Code of Alabama 1975, relating to interference with legal hunting and providing penalties; to add interference with legal fishing to the prohibitions of these sections subject to the same penalties; and to delete an exception for acts committed on publicly owned lands or waters.

COMMITTEE ON AGRICULTURE, FORESTRY AND NATURAL RESOURCES

By Representatives Allen, McKee, Townsend, Clouse, Curry, Dean, McMillan, Guin, Jorgensen, Flowers, Seibenhener, Wren, Parker (T), McDaniel, Dukes, Lindsey, Galliher, Murphree, Haney, Papucci, Knight (A), Gipson, Rogers (M), Hill, Sanderson, Cams, Crigler, Layson, Starkey, and Hawkins:

H. 148. To require the State Board of Education to make the public high school graduation examination available to nonpublic high schools for a reasonable fee.

COMMITTEE ON EDUCATION

By Representatives Hammett, Box, Page, McDaniel, Willis, Millican, Turnham, Newton (D), Boyd, Parker (P), Hinshaw, Galliher, Venable, Graham, Gipson, Vance, Robinson, Jackson, Hayden, Hawk, McClammy, Johnson (E), Knight (J), Reed, Spratt, Hilliard, Hall (A), Mitchell, Buskey, Maull, Kennedy, Clark (W), Carothers, Thomas (J), Collins, Fuller, Newton (C), Johnson (R), Baker, Guin, Dolbare, Bandy, Drake, Hamilton, Smith, Melton, Dukes, Murphree, Starkey, Houston, Clark (J), Warren, Burke, Carter, Lindsey, McAdory, Rogers (J), Laird, Hogan, White, Layson, and Parker (T):

H. 149. To amend Section 12-15-71, Code of Alabama 1975, to require that under certain conditions a court order a juvenile to attend an alternative school if the juvenile is found to be delinquent and is committed to a juvenile detention

facility or to the Department of Youth Services, but the juvenile detention facility or the Department of Youth Services is unable to take the juvenile due to a lack of space; to provide for a court to order a juvenile who has been certified by the juvenile court as an adult to attend an alternative school; to provide that the juvenile court may release an order requiring the juvenile attend an alternative school to the appropriate board of education; and to provide that a juvenile age 16 or over charged as an adult or with distribution of a controlled substance would be assigned to an alternative school.

COMMITTEE ON EDUCATION

By Representative Hooper:

H. 150. To propose an amendment to the Constitution of Alabama of 1901, as amended, to provide that no general, special, or local law, or state executive order, rule, or regulation, whose purpose or effect is to require a new or increased expenditure of funds held or disbursed by the governing body of a municipality or county, or an instrumentality thereof, shall become effective as to any municipality or county, or an instrumentality thereof, or until and as long as the Legislature appropriates funds for the purpose to the affected municipality, county, or instrumentality and only to the extent and amount the funds are provided, or until a law provides for a local source of revenue within the municipality, county, or instrumentality for the stated purpose and the municipality, county, or instrumentality is authorized to levy and collect the revenue; and to provide for exceptions.

COMMITTEE ON STATE ADMINISTRATION

The above bill was read a first time at length as required by the Constitution.

By Representative Sanderson:

H. 151. To amend Section 40-17-174, Code of Alabama 1975, relating to oil license fees, to provide for a one-time collection of the wholesale oil license fee.

COMMITTEE ON WAYS AND MEANS

By Representative Sanderson:

H. 152. To make it unlawful to destroy or deface traffic signs or to deface public buildings or public property; to provide that parents of minors who are convicted of destroying or defacing traffic signs or defacing public buildings or public property would be liable for the actual damages caused by the minor; and to provide for penalties.

COMMITTEE ON JUDICIARY

By Representatives Hooper, Dean, Hawkins, Turner, and Sims:

H. 153. Relating to juvenile and youthful offenders; to provide for juvenile and youthful offenders who commit what would be capital offenses if committed by an adult; to amend Section 12-15-34, Code of Alabama 1975, to provide that a child under the age of 14 years who is charged with the commission of an offense that would constitute a violation of Section 13A-5-40, Code of Alabama 1975, if committed by an adult may be transferred to criminal court for prosecution as an adult and to provide for penalties upon conviction; and to amend Section 15-19-1, Code of Alabama 1975, to provide that a defendant charged with a capital offense is not eligible for treatment as a youthful offender.

COMMITTEE ON JUDICIARY

By Representatives Hooper and Hawkins:

H. 154. To amend Section 12-21-6.1 of the Code of Alabama 1975, relating to the reproduction and delivery of medical records, to further provide for the release of medical records and the responsibility for costs and to increase the limitations on the reasonable costs and the search fee that may be charged by the provider of the records.

COMMITTEE ON HEALTH

By Representative Hawkins:

H. 155. To provide for the establishment of a putative father registry by the Department of Human Resources and to provide for the content of the registry and its use in court proceedings.

COMMITTEE ON JUDICIARY

By Representative Flowers:

H. 156. To amend Section 13A-12-3 of the Code of Alabama 1975, relating to the sale or supplying of cigarettes to minors; to provide for an increase in the fine for a person convicted of selling or supplying cigarettes or cigarette products to minors.

COMMITTEE ON HEALTH

By Representative Fuller:

H. 157. To make a supplemental appropriation from the Education Trust Fund in the State Treasury to the State Board of Education for the Sara Dinsmore ARC Training Facility in the amount of \$40,000 and for the Coffee County Board of Education for the support and maintenance of Project Independence in the amount of \$30,000 for the fiscal year ending September 30, 1996.

COMMITTEE ON WAYS AND MEANS

By Representative Dukes:

H. 158. To amend Section 36-21-7, Code of Alabama 1975, relating to the reimbursement of mandated training costs when one governmental entity employs certain employees from another governmental entity within a certain period, and to provide similar requirements for the reimbursement of training expenses for certain governmental employees.

COMMITTEE ON JUDICIARY

By Representatives Hawkins and Morrison:

H. 159. To prevent unconscionable pricing during periods in which the state or any part thereof is under a declared state of emergency, due to a natural disaster; to define unconscionable pricing; and to make it unlawful and an unfair trade practice for any person or his or her employee to rent, sell, or offer to rent or sell in this state during a declared state of emergency a commodity at an unconscionable price.

COMMITTEE ON INDUSTRIAL DEVELOPMENT
AND ECONOMIC GROWTH

By Representatives Sims, Moore, Sanderford, Hooper, Sanderson, Carns, Gipson, McMillan, Laird, Crigler, McKee, and Hill:

H. 160. To require hospitals to submit monthly reports to the State of Alabama Department of Public Health giving the number of patients admitted to such hospital for complications resulting from an attempted abortion or an abortion, the nature of the complication by its diagnostic name and the type of abortion; to require the reporting of the name of the facility where the attempted abortion or abortion was performed that resulted in the complication, if such facility is an abortion or reproductive health center as defined by regulations of the Department of Public Health; to require the Department of Public Health to prepare necessary forms and to implement the bill's enforcement.

COMMITTEE ON PUBLIC WELFARE

By Representative Sims:

H. 161. To amend Section 28-3-41, Code of Alabama 1975, to increase the compensation of the members of the Alcoholic Beverage Control Board.

COMMITTEE ON WAYS AND MEANS

By Representatives Sims, Willis, Wren, Moore, Sanderford, Hawkins, Haney, Carns, Gipson, McMillan, Laird, Crigler, McKee, Morrison, and Hill:

H. 162. To amend Section 22-6-9, Code of Alabama 1975, to require black and white identification cards for Medicaid recipients 18 years of age and older.

COMMITTEE ON HEALTH

By Representatives Sims, Moore, Sanderford, Hooper, Hawkins, Haney, Gipson, McMillan, Laird, Crigler, McKee, and Hill:

H. 163. To create the crime of theft of hospital service; and to provide for the relationship between this act and other provisions of law when the same conduct is proscribed by another law.

COMMITTEE ON HEALTH

By Representatives Sims, Moore, Sanderford, Hawkins, Haney, Gipson, McMillan, Laird, Crigler, McKee, and Hill:

H. 164. Relating to hospitals and physicians; requiring the posting of the availability of the Medicaid Agency Consumer Hotline.

COMMITTEE ON HEALTH

By Representatives Guin, Vance, Dean, Galliher, Thomas (D), Gaston, Allen, Wren, Hogan, and Murphree:

H. 165. To amend Sections 11-14-10 and 11-14-14 of the Code of Alabama 1975, to provide further for sources of revenue for county courthouses, jails, and hospitals.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Guin, Hill, Dean, Vance, Galliher, Thomas (D), Gaston, Allen, Wren, Hogan, Murphree, Hawk, and Moore:

H. 166. To provide that a person who operates a motor vehicle on the public highways of this state who is involved in an accident that results in a death shall be required to submit to a test to determine the content of alcohol, amphetamines, opiates, or cannabis in his or her blood if the law enforcement officer has reasonable grounds to believe that the person was operating a motor vehicle while under the influence of these substances; to provide for a penalty for refusal to submit to a test; and provides for a due process hearing for relief from the penalties imposed.

COMMITTEE ON JUDICIARY

By Representatives Guin, Hill, Dean, Vance, Galliher, Thomas (D), Gaston, Allen, Wren, Hogan, Murphree, and Moore:

H. 167. To provide that a court in a civil or juvenile case in which a child under the age of 12 has been alleged to have been the victim of sexual molestation may order a polygraph examination of the parents, step-parents, or persons having legal or physical custody of the child; and provide for restrictions on the use of the polygraph examination.

COMMITTEE ON JUDICIARY

By Representatives Guin, Vance, Dean, Galliher, Thomas (D), Gaston, Wren, Hogan, Page, Murphree, Hawk, and Moore:

H. 168. To amend Section 33-5-17 of the Code of Alabama 1975 relating to registration of boats and marine vessels, to provide for the proration of the licensing and registration fees of boats and marine vessels for the first year of registration.

COMMITTEE ON WAYS AND MEANS

By Representatives Guin, Vance, Dean, Galliher, Thomas (D), Gaston, Allen, Wren, Hogan, Murphree, Hawk, and Moore:

H. 169. To amend Section 13A-11-8, Code of Alabama 1975, relating to harassment or harassing communications, to further define harassment.

COMMITTEE ON JUDICIARY

By Representatives Guin, Dean, Hill, Vance, Galliher, Thomas (D), Gaston, Allen, Wren, Hogan, Murphree, Morrison, Hawk, and Moore:

H. 170. To amend Section 15-22-27.1 of the Code of Alabama 1975; relating to the parole of persons convicted of certain felonies; to provide that a person convicted of murder, rape in the first degree, sodomy in the first degree, assault in the first degree by means of a deadly weapon or a dangerous instrument, arson in the first degree, robbery in the first degree, burglary in the first degree, or kidnapping in the first degree, would not be eligible for parole.

COMMITTEE ON JUDICIARY

By Representatives Burke, Knight (A), Knight (J), Box, Allen, McMillan, Hooper, Gaston, Clark (J), Fuller, McDaniel, Kennedy, Lindsey, Turner, Black (L), Page, Galliher, Curry, Hill, Rogers (M), Thomas (D), Jorgensen, Moore, Parker (T), Guin, Hawk, Hammett, Morrison, Flowers, Turnham, Vance, Mitchell, Gipson, Laird, Collins, Starkey, Smith, Hogan, Bandy, Houston, Spratt, Dolbare, Willis, Warren, Graham, Baker, Johnson (E), Minnifield, Melton, Murphree, Carothers, and Jackson:

H. 171. To create the Environmental Legislative Oversight Committee to advise on environmental policy issues and to review operations of the State Environmental Management Commission and the Alabama Department of Environmental Management.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representatives Burke, Knight (A), Knight (J), Box, Allen, McMillan, Hooper, Gaston, Clark (J), Fuller, McDaniel, Kennedy, Lindsey, Turner, Black (L), Page, Galliher, Thomas (D), Jorgensen, Moore, Parker (T), Guin, Hawk, Hammett, Morrison, Flowers, Turnham, Vance, Mitchell, Boyd, Jackson, McAdory, Hayden, Gipson, Laird, Collins, Starkey, Smith, Hogan, Bandy, Houston, Spratt, Willis, Warren, Graham, Minnifield, Baker, Johnson (E), Melton, and Carothers:

H. 172. To amend Section 22-22A-6, Code of Alabama 1975, to further provide for the membership and the terms of office of the Environmental Management Commission; and to provide for the qualifications of the appointees.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Burke:

H. 173. To provide for civil immunity for certain actions of volunteer coaches completing designated education programs and creating the Volunteer Coaches Advisory Board to review and approve education programs.

COMMITTEE ON STATE ADMINISTRATION

By Representative Burke:

H. 174. Relating to general provisions under contracts; to provide that a party to a contract required to reimburse another party for certain federal manufacturer's taxes has an option to time those payments to precede immediately the other party's requirement to remit such taxes to the Internal Revenue Service; to provide for a right to security under contracts for payment of such taxes; and to provide for an effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Burke:

H. 175. To make an appropriation to the Department of Public Health in the amount of \$4,664,831 from the Education Trust Fund for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1997.

COMMITTEE ON WAYS AND MEANS

By Representative Graham:

H. 176. To amend Section 36-27-15.2 of the Code of Alabama 1975, to provide further for granting credit for certain prior service as a support employee in the Employees' and Teachers' Retirement Systems of Alabama.

COMMITTEE ON WAYS AND MEANS

By Representatives Graham, Burke, Minnifield, Baker, Johnson (E), Melton, Smith, Vance, Box, Page, Gipson, Willis, and Boyd:

H. 177. To require the reasonable posting of personnel vacancies by public school systems, public schools or colleges under the control of the State Board of Education, and certain other public educational institutions before the positions are filled.

COMMITTEE ON EDUCATION

By Representative Boyd:

H. 178. To amend Section 16-8-26 of the Code of Alabama 1975, relating to personal leave for teachers, to include support personnel and to grant five days of personal leave; to repeal Section 16-8-26.1 of the Code of Alabama 1975, relating to personal leave for support personnel; and to provide for an effective implementation date.

COMMITTEE ON WAYS AND MEANS

By Representative Boyd:

H. 179. To create the Alabama Board of Barber Examiners; to regulate and license barbers and barber colleges and schools; to provide for membership, duties, and powers thereof; and to provide for prohibited acts and penalties.

COMMITTEE ON STATE ADMINISTRATION

By Representatives McDaniel, Sanderford, McMillan, Turnham, Turner, Clark (J), Vance, Dukes, Layson, Gipson, Curry, Knight (A), Thomas (D), Allen, Fuller, Burke, Parker (T), Laird, Venable, Hooper, Box, Sanderson, Murphree, Haney, Hammett, Smith, and Collins:

H. 180. Relating to workers' compensation; to amend Sections 25-5-8, 25-5-14, 25-5-50, and 25-5-78, Code of Alabama 1975, and to add Section 25-5-8.1 and Section 25-5-220 to the Code of Alabama 1975 to make substantial alterations in the existing law.

COMMITTEE ON STATE ADMINISTRATION

By Representative Venable:

H. 181. To amend Section 28-3A-25, Code of Alabama 1975, as amended by Act No. 95-766, 1995 Regular Session, relating to violations of the Alcoholic Beverage Licensing Code; to permit a licensee to be directly or indirectly employed by any other licensee engaged in the manufacture, storage, transportation, or sale of alcoholic beverages.

COMMITTEE ON STATE ADMINISTRATION

By Representative Venable:

H. 182. To amend Section 16-9-8, Code of Alabama 1975, to provide that elected county superintendents of education take office on January 1 following election.

COMMITTEE ON EDUCATION

By Representative Hooper:

H. 183. To amend Section 28-3-43, Code of Alabama 1975, relating to the duties and powers of the Alcoholic Beverage Control Board, to authorize the board to purchase and own buildings for its operations.

COMMITTEE ON STATE ADMINISTRATION

By Representative Box:

H. 184. To provide for the Uniform Partnership Act of 1996 with Limited Liability Partnership relating to the organization and operation of a business partnership and a limited liability partnership in Alabama; to provide generally for a partnership and a partnership agreement; to provide for the nature of a partnership and the relations of a partner to other partners, the partnership, and persons dealing with a partnership; to provide for transferees and creditors of a partner; to provide for a partner's dissociation and a partner's dissociation when a business is not wound up, and the winding up of a partnership business; to provide for conversions and mergers of partnerships; to provide for registered limited liability partnerships; to provide for the uniformity of application and construction, applicability, savings clause, composite tax returns, and taxation of a registered limited liability partnership; to repeal Sections 10-8-1 through 10-8-7; 10-8-20 and 10-8-21; 10-8-40 through 10-8-56; 10-8-70 through 10-8-73; and 10-8-90 through 10-8-103, Code of Alabama 1975; and to provide an effective date of October 1, 1996.

COMMITTEE ON JUDICIARY

By Representative Fuller:

H. 185. To provide a four percent (4%) cost-of-living adjustment for certain public education employees with the beginning of the 1996-97 fiscal year and to continue thereafter; to provide a three percent (3%) cost-of-living adjustment for certain public education employees with the beginning of the 1997-98 fiscal year and to continue thereafter; to require a revision of the state salary matrix for certificated personnel and to require adjustments on local salary schedules to reflect the cost-of-living adjustments provided herein for the fiscal years 1996-97 and 1997-98 and thereafter; to provide that certain salary schedules at two-year colleges shall be upgraded to reflect cost-of-living adjustments for fiscal years 1996-97 and 1997-98; and to establish miscellaneous pay provisions.

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By Representatives Carothers, Hawkins, Johnson (R), Penry, Galliher, Guin, Box, Dean, Hill, Page, Morrison, Warren, McDaniel, Parker (T), Hall (A), and Payne:

H. 186. To exempt amend Sections 40-23-4 and 40-23-62, Code of Alabama 1975, to exempt all domestically mined or produced coal, coke, and coke by-products used in cogeneration plants in the state from the payment of all state sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Carothers:

H. 187. To amend Sections 6-5-548 and 6-5-549, Code of Alabama 1975; to further provide for similarly situated health care providers; to prohibit discovery of the limits of liability insurance coverage in certain legal actions against health care providers; to provide which health care providers may testify as specialists; to eliminate liability for certain errors in judgment; and to require that a jury shall be reasonably satisfied by substantial evidence that the standard of care was breached and that the breach caused the injury before returning a verdict against a health care provider.

COMMITTEE ON WAYS AND MEANS

By Representative Laird (With Notice and Proof):

H. 188. Relating to Randolph county; amending Act No. 85-616, H. 696 of the 1985 Regular Session (Acts 1985, p. 944), to provide that the sheriff in his or her official capacity is entitled to the allowances payable by the state for feeding prisoners; and to provide that the provisions of this act are declaratory of existing law and are retroactive to January 18, 1983.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 188, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Laird (With Notice and Proof):

H. 189. Relating to Randolph County, amending Section 1 of Act 81-938, 1981 First Special Session, to authorize the county commission to provide for an additional recording fee for certain documents filed for record in the Office of the Judge of Probate.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 189, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

RESOLUTIONS

The following resolutions were introduced:

By Representative Laird:

H.J.R. 4. COMMENDING JOHNSTON INDUSTRIES AS RECIPIENT OF AMERICA'S TEXTILES INTERNATIONAL AWARD FOR INNOVATION.

WHEREAS, highest commendation is hereby accorded Johnston Industries as recipient of America's Textiles International Award for Innovation, the most innovative textile company in America; and

WHEREAS, the objective of Johnston Industries is "To create those products today that anticipate our customer's needs for tomorrow," and to be the premier niche market manufacturer in North America; and

WHEREAS, establishing an unparalleled record in the textile industry, Johnston Industries' employees have demonstrated that added value, quality, and service can sustain solid growth, and by presenting a positive atmosphere, can create and maintain an entrepreneurial atmosphere; and

WHEREAS, building on hard work, creativity and innovation, the management, and over 3,000 employees at Johnston Industries have earned the respect and admiration of the citizens of the State of Alabama, and the United States; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary service, and as recipient of America's Textiles International Award for Innovation, we hereby most highly commend Johnston Industries, for whom a copy of this resolution shall be provided for appropriate display.

On motion of Representative Laird, the rules were suspended and the resolution, H.J.R. 4, was adopted.

Also:

By Representative Laird:

H.J.R. 5. COMMENDING WELLINGTON SEARS COMPANY AS RECIPIENT OF AMERICA'S TEXTILES INTERNATIONAL AWARD FOR INNOVATION.

WHEREAS, for demonstrating extraordinary performance on a national, state, and local level, we hereby recognize Wellington Sears Company as recipient of America's Textiles International Award, the most innovative textile company in America; and

WHEREAS, originally founded in 1992, Wellington Sears is deeply embedded in United States history, and has supplied sail cloth to both ships as historic as Old Ironsides, and racing yachts of America's Cup Champions, as well as provided covers for the Conestoga wagons that crossed the prairie to the West; also significant are the woven materials from Wellington Sears which hang in Washington's Smithsonian Institute on the air-frame of the Spirit of St. Louis, to mention a few; and

WHEREAS, recognizing special expertise in developing and testing sophisticated new textile products, the United States military awarded Wellington Sears contracts for woven teflon for aircraft bearings, and special orlon towels for use aboard the United States nuclear submarine fleet; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of its innovative and creative efforts, Wellington Sears Company is commended for its tireless hard work and unwavering commitment to the textile industry, and as recipient of America's Textiles International Award for innovation.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be provided for appropriate display at Wellington Sears Company.

On motion of Representative Laird, the rules were suspended and the resolution, H.J.R. 5, was adopted.

Also:

By Representative Laird:

H.J.R. 6. COMMENDING GERALD B. ANDREWS AS RECIPIENT OF THE 1995 TEXTILE LEADER OF THE YEAR.

WHEREAS, Gerald B. Andrews, President and COO of Johnston Industries, was selected by Textile World as 1996 Larry Christiansen Leader of the Year in recognition of his outstanding career as a leader among men and women of the textile industry who personify excellence on a national, state, and local level; and

WHEREAS, an exemplar of extraordinary leadership ability and significant achievement, Mr. Andrews is an innovator, a man of vision, a champion of education, and a driving force in textiles' quest to successfully compete in the global arena; and

WHEREAS, Mr. Andrews began his college days at Auburn University at age 16, while working full-time and more with the West Point plants in Valley, Alabama, and graduated with five years of diverse experience in manufacturing from the School of Engineering in 1959; and

WHEREAS, a man who meets challenges with determination, Mr. Andrews has lived in numerous states over the past four decades where he has helped to build, sell, move, and restructure plants for various textile concerns; and

WHEREAS, Gerald B. Andrews is a dedicated husband to his wife, Claire, who is a constant source of support and encouragement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend Gerald Andrews as recipient of Textile World's 1995 Larry Christiansen Leader of the Year, and direct that a copy of this resolution be presented to him with highest praise and honor.

On motion of Representative Laird, the rules were suspended and the resolution, H.J.R. 6, was adopted.

Also:

By Representative Laird:

H.J.R. 7. COMMENDING TIM COE FOR HIS OUTSTANDING SERVICE AS 50TH PRESIDENT OF THE ALABAMA CATTLEMEN'S ASSOCIATION.

WHEREAS, highest commendation is hereby accorded Tim Coe as outgoing President of the Alabama Cattlemen's Association, the largest state cattlemen's association in the country; and

WHEREAS, serving as the 50th President of the Alabama Cattlemen's Association, Mr. Coe is an outstanding cattleman and civic leader from Randolph County, who operates a diversified farming operation, and is a faithful member of First Baptist Church of Wedowee; and

WHEREAS, Mr. Coe received his B.S. Degree in Agricultural Science from Auburn University in 1974, and was a member of Alpha Gamma Rho fraternity and the Livestock Judging Team; and

WHEREAS, Mr. Coe has been extremely active in the Alabama Cattlemen's Association for 20 years, and has served as President of the County Cattlemen's Association, Regional Vice President of the State Organization, and he currently chairs the 1995 ACA Long Range Planning Committee and serves on the Executive Committee; and

WHEREAS, Mr. Coe has also received the distinguished honor of being named 1996 Alabama Cattleman Personality of the Year; and

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WHEREAS, his leadership ability has been of inestimable worth as a member of the Auburn University Ag Alumni Board, a member of both the Randolph County's Farmer Federation and County Development Association, as Mayor of Wedowee, and as President of the Randolph County PTO; and

WHEREAS, for his active and energetic leadership, Tim Coe was Alabama Jaycee's Outstanding Young Farmer, and is currently a member of the Ag and Forestry Leadership Development Program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to 25 years of outstanding service as 50th President of the Alabama Cattlemen's Association we hereby commend Tim Coe for his exemplary leadership, and direct that he receive a copy of this resolution of sincere best wishes for continued happiness and success.

On motion of Representative Laird, the rules were suspended and the resolution, H.J.R. 7, was adopted.

Also:

By Representative Laird:

H.J.R. 8. DESIGNATING FEBRUARY 16, 1996, AS "SEE THE GOOD FOUNDATION DAY."

WHEREAS, the See The Good Foundation, Inc., is having its Kick-Off Banquet on February 16, 1996, at the City Meeting Center in Anniston, Alabama, which will be attended by elected officials, business persons, and everyday citizens of the 3rd Congressional district; and

WHEREAS, the See The Good Foundation, Inc., is a nonprofit corporation which was founded by Alabama business executive Roger Bell in February 1995; and

WHEREAS, the five goals of the See The Good Foundation are:

To encourage people to see the good in others.

To promote self-esteem and respect for others.

To elevate high standards of academic achievement and civic awareness for at-risk youth.

To provide college scholarships for deserving students.

To enhance the benevolent services of other nonprofit organizations; and

WHEREAS, the See The Good Foundation seeks change through:

Conducting motivational seminars and forums in schools, churches and youth organizations in the community.

Hosting On-The-Job-Training programs at supporting businesses and corporations to acquaint youth with mentors and role models.

Providing career pathways to educate youth about the vast opportunities to use their God-given talents.

Creating music that promotes positive messages, and

Promoting the See The Good America message on especially designed tee-shirts, sweat shirts, caps and other merchandise; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition and support of the efforts of Roger Bell, and the See The Good Foundation, Inc., we hereby designate February 16, 1996, as See The Good Foundation Day.

On motion of Representative Laird, the rules were suspended and the resolution, H.J.R. 8, was adopted.

Also:

By Representative Hammett:

H.J.R. 9. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn Tuesday, February 6, 1996, they adjourn to meet again on Thursday, February 8, 1996, and when they adjourn on Thursday, February 8, 1996, they adjourn to meet again on Wednesday, February 21, 1996, and when they adjourn on Wednesday, February 21, 1996, they adjourn to meet again on Thursday, February 22, 1996, and when they adjourn on Thursday, February 22, 1996, they adjourn to meet again on Tuesday, February 27, 1996, and when they adjourn on Tuesday, February 27, 1996, they adjourn to meet again on Thursday, February 29, 1996, and when they adjourn on Thursday, February 29, 1996, they adjourn to meet again on Tuesday, March 5, 1996, and when they adjourn on Tuesday, March 5, 1996, they adjourn to meet again on Wednesday, March 6, 1996, and when they adjourn on Wednesday, March 6, 1996, they adjourn to meet again on Thursday, March 7, 1996, and when they adjourn on Thursday, March 7, 1996, they adjourn to meet again on Tuesday, March 12, 1996, and when they adjourn on Tuesday, March 12, 1996, they adjourn to meet again on Thursday, March 14, 1996, and when they adjourn on Thursday, March 14, 1996, they adjourn to meet again on Tuesday, March 19, 1996, and when they adjourn on Tuesday, March 19, 1996, they adjourn to meet again on Wednesday, March 20, 1996, and when they adjourn on Wednesday, March 20, 1996, they adjourn to meet again on Thursday,

March 21, 1996, and when they adjourn on Thursday, March 21, 1996, they adjourn to meet again on Tuesday, April 2, 1996, and when they adjourn on Tuesday, April 2, 1996, they adjourn to meet again on Thursday, April 4, 1996, and when they adjourn on Thursday, April 4, 1996, they adjourn to meet again on Tuesday, April 9, 1996, and when they adjourn on Tuesday, April 9, 1996, they adjourn to meet again on Wednesday, April 10, 1996, and when they adjourn on Wednesday, April 10, 1996, they adjourn to meet again on Thursday, April 11, 1996, and when they adjourn on Thursday, April 11, 1996, they adjourn to meet again on Tuesday, April 16, 1996, and when they adjourn on Tuesday, April 16, 1996, they adjourn to meet again on Thursday, April 18, 1996, and when they adjourn on Thursday, April 18, 1996, they adjourn to meet again on Tuesday, April 23, 1996, and when they adjourn on Tuesday, April 23, 1996, they adjourn to meet again on Wednesday, April 24, 1996, and when they adjourn on Wednesday, April 24, 1996, they adjourn to meet again on Thursday, April 25, 1996, and when they adjourn on Thursday, April 25, 1996, they adjourn to meet again on Tuesday, April 30, 1996, and when they adjourn on Tuesday, April 30, 1996, they adjourn to meet again on Thursday, May 2, 1996, and when they adjourn on Thursday, May 2, 1996, they adjourn to meet again on Tuesday, May 7, 1996, and when they adjourn on Tuesday, May 7, 1996, they adjourn to meet again on Wednesday, May 8, 1996, and when they adjourn on Wednesday, May 8, 1996, they adjourn to meet again on Thursday, May 9, 1996, and when they adjourn on Thursday, May 9, 1996, they adjourn to meet again on Monday, May 20, 1996, and when they adjourn on Monday, May 20, 1996, they adjourn sine die.

On motion of Representative Hammett, the rules were suspended and the resolution, H.J.R. 9, was adopted.

Also:

By Representatives Hammett, Allen, Baker, Carns, Clark (J), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Haney, Hawkins, Hill, Houston, Jorgensen, Knight (A), McAdory, McDaniel, McMillan, Morton, Murphree, Papucci, Parker (T), Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Seibenhener, Smith, Starkey, Townsend, Vance, Willis and Wren:

H.J.R. 10. AMENDING THE JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Rules of the two houses of the Legislature are hereby amended to read as follows:

Amend Rule 17 as follows:

"17. A Committee on Conference to reconcile the difference on pending legislation between the two houses of the Alabama Legislature shall consist of six members, three of whom shall be members of the House, appointed by the Speaker thereof, and three from the Senate to be appointed by the President of the Senate.

Notice of meetings of Committees on Conference shall be posted at least one hour prior to the meeting in the same manner as the posting of notice of standing committee meetings.

Provided, however, that on the 12th legislative day of any special session or on the 30th day of any regular session the provisions of this rule shall be satisfied if the meeting time and place of a Conference Committee is announced publicly by the presiding officer of each house.

Provided further, that any Conference Committee report on a bill which has as its primary purpose to make an appropriation or appropriations may not be voted on by the house of origin until at least four (4) hours after the Conference Committee makes its report. Immediately upon receiving the report of the Conference Committee, the presiding officer of the house of origin shall notify the presiding officer of the other house that the Conference Committee has reported and shall provide a copy of the Conference Committee report to the Clerk or Secretary of the other house for distribution.

The Committee on Conference shall not report unless there be an affirmative vote of at least four members which must consist of at least two votes by the conferees from each house. The report of the Committee on Conference shall be attached to the pending legislation and returned to the house of origin for such action as that house may deem appropriate. The house of origin may take one of the following courses of action:

- a. They may concur in the Committee on Conference report and, in the event of this action, the bill and the Conference Committee report shall be sent to the other house for action.
- b. The house of origin may reject the Conference Committee report, in which case the pending legislation is automatically void.
- c. The house of origin may reject the report of the Committee on Conference and request that a new committee be appointed by the respective presiding officers.

In the event the house of origin adopts the Committee on Conference report, the pending legislation together with the report of the Committee on Conference, shall be submitted to the other house for action in the same manner as in the house of origin.

In the event the minority wishes to submit a report, the house of origin shall first consider the majority report. In the event of a majority report rejection, the minority report may be considered and, if concurred in by the house of origin, the same shall be presented to the other house for action by that house.

The Committee of Conferees shall report substantially as follows:

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We, the Committee of Conferees appointed to reconcile the difference between the two Houses concerning House Bill/Senate Bill _____ have met, considered the matter, and agreed to the following:

(Example: Substitute for H.B./S.B. _____ is attached).

(Example: Amend H.B./S.B. _____ as follows:)

Name

Name

Name

CONFEREES OF THE HOUSE

Name

Name

Name

CONFEREES OF THE SENATE

On motion of Representative Hammett, the rules were suspended and the resolution, H.J.R. 10, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

I have been directed by the Senate to advise the House that the Senate is now in session and is ready for the transaction of public business.

McDOWELL LEE
Secretary

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Sanderson:

H.R. 11. COMMENDING REPRESENTATIVE JOHN KNIGHT FOR CHAIRING THE JOINT INTERIM LEGISLATIVE COMMITTEE TO INVESTIGATE TAX AUDITS OF THE DEPARTMENT OF REVENUE.

Also:

By Representative Hammett:

H.R. 12. COMMENDING VELMA F. RHODES, ASSOCIATE GRAND CONDUCTRESS, ALABAMA GRAND CHAPTER, ORDER OF THE EASTERN STAR.

Also:

By Representative Hammett:

H.R. 13. MOURNING THE DEATH OF MORGAN C. WILSON OF ANDALUSIA, ALABAMA.

Also:

By Representative Layson:

H.R. 14. COMMENDING MR. IRA B. COLVIN FOR OUTSTANDING SERVICE TO THE PICKENS COUNTY BOARD OF EDUCATION.

Also:

By Representative Layson:

H.R. 15. COMMENDING CURTIS D. PARHAM FOR OUTSTANDING SERVICE TO THE PICKENS COUNTY BOARD OF EDUCATION.

Also:

By Representative Layson:

H.R. 16. COMMENDING RANDY SIMPSON FOR OUTSTANDING SERVICE TO THE PICKENS COUNTY BOARD OF EDUCATION.

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Also:

By Representative Layson:

H.R. 17. COMMENDING LINDA V. WINDHAM FOR OUTSTANDING
SERVICE TO THE PICKENS COUNTY BOARD OF EDUCATION.

Also:

By Representative Layson:

H.R. 18. COMMENDING MARY E. WOODS FOR OUTSTANDING
SERVICE TO THE PICKENS COUNTY BOARD OF EDUCATION.

Also:

The following resolutions were introduced:

By Representative Gipson:

H.J.R. 19. COMMENDING AL JACKSON OF THE UNIVERSITY OF
NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING
ACHIEVEMENT.

The resolution, H.J.R. 19, was read and referred to the Standing Committee
on Rules.

Also:

By Representative Gipson:

H.J.R. 20. MOURNING THE DEATH OF RICHARD T. DORSEY OF
PRATTVILLE, ALABAMA.

The resolution, H.J.R. 20, was read and referred to the Standing Committee
on Rules.

Also:

By Representative Clouse:

H.J.R. 21. RECOGNIZING MIDLAND CITY BAPTIST CHURCH ON ITS
FIRST 100 YEARS OF CHRISTIAN SERVICE.

The resolution, H.J.R. 21, was read and referred to the Standing Committee
on Rules.

Also:

By Representative Clouse:

H.J.R. 22. RECOGNIZING MIDLAND CITY BAPTIST CHURCH ON ITS FIRST 100 YEARS OF CHRISTIAN SERVICE.

The resolution, H.J.R. 22, was read and referred to the Standing Committee on Rules.

Also:

By Representative Baker:

H.J.R. 23. COMMENDING DOUG BRADFORD UPON HIS INDUCTION INTO THE 1996 WIREGRASS SPORTS HALL OF FAME.

The resolution, H.J.R. 23, was read and referred to the Standing Committee on Rules.

Also:

By Representative Baker:

H.J.R. 24. COMMENDING COACH MICKEY ANDREWS UPON HIS INDUCTION INTO THE 1996 WIREGRASS SPORTS HALL OF FAME.

The resolution, H.J.R. 24, was read and referred to the Standing Committee on Rules.

Also:

By Representative Baker:

H.J.R. 25. COMMENDING THOMAS J. BRYAN UPON HIS INDUCTION INTO THE 1996 WIREGRASS SPORTS HALL OF FAME.

The resolution, H.J.R. 25, was read and referred to the Standing Committee on Rules.

Also:

By Representative Baker:

H.J.R. 26. COMMENDING CHARLES B. COLE UPON HIS INDUCTION INTO THE 1996 WIREGRASS SPORTS HALL OF FAME.

The resolution, H.J.R. 26, was read and referred to the Standing Committee on Rules.

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Also:

By Representative Baker:

H.J.R. 27. COMMENDING JOE ED KIRKLAND UPON HIS INDUCTION INTO THE 1996 WIREGRASS SPORTS HALL OF FAME.

The resolution, H.J.R. 27, was read and referred to the Standing Committee on Rules.

Also:

By Representative Baker:

H.J.R. 28. COMMENDING BETTY MIXON UPON HER INDUCTION INTO THE 1996 WIREGRASS HALL OF FAME.

The resolution, H.J.R. 28, was read and referred to the Standing Committee on Rules.

Also:

By Representative Baker:

H.J.R. 29. COMMENDING THE LATE PRESS THORNTON, SR., UPON HIS INDUCTION INTO THE 1996 WIREGRASS HALL OF FAME.

The resolution, H.J.R. 29, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Page and Fuller:

H.J.R. 30. CREATING A JOINT PERMANENT LEGISLATIVE COMMITTEE ON BUDGET COMPLIANCE.

The resolution, H.J.R. 30, was read and referred to the Standing Committee on Rules.

Also:

By Representative Sanderson:

H.J.R. 31. COMMENDING LINDA HENDRIX, OF LEEDS, ALABAMA, ON HER SELECTION AS 1995 CITIZEN OF THE YEAR.

The resolution, H.J.R. 31, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hammett:

H.J.R. 32. SUSTAINING THE DISAPPROVAL BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW OF THE PROPOSED REPEAL BY THE STATE REVENUE DEPARTMENT OF RULE NO. 810-2-3.03, ENTITLED "EXCLUSION OF INVESTMENT IN SUBSIDIARIES."

The resolution, H.J.R. 32, was read and referred to the Standing Committee on Rules.

Also:

By Representative Guin:

H.J.R. 33. COMMENDING ERIC GROOM OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

The resolution, H.J.R. 33, was read and referred to the Standing Committee on Rules.

Also:

By Representative Guin:

H.J.R. 34. COMMENDING PAUL SANDERS OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

The resolution, H.J.R. 34, was read and referred to the Standing Committee on Rules.

Also:

By Representative Guin:

H.J.R. 35. MOURNING THE DEATH OF WILLARD WILKINS.

The resolution, H.J.R. 35, was read and referred to the Standing Committee on Rules.

Also:

By Representative Guin:

H.J.R. 36. CONGRATULATING THE CORDOVA BLUE DEVILS ON THEIR STATE 3-A FOOTBALL CHAMPIONSHIP.

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The resolution, H.J.R. 36, was read and referred to the Standing Committee on Rules.

Also:

By Representative Guin:

H.J.R. 37. COMMENDING DEAN PARHAM H. WILLIAMS, JR., FOR OUTSTANDING SERVICE AS VICE PRESIDENT AND DEAN OF CUMBERLAND SCHOOL OF LAW, SAMFORD UNIVERSITY.

The resolution, H.J.R. 37, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Guin and Hogan:

H.J.R. 38. MOURNING THE DEATH OF ALICE KAY WILSON OF JASPER, ALABAMA.

The resolution, H.J.R. 38, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hammett:

H.J.R. 39. SUSTAINING THE DISAPPROVAL BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW OF THE ALABAMA STATE BOARD OF CHIROPRACTIC EXAMINERS PROPOSED AMENDMENT OF RULE NO. 190-X-2-.01, ENTITLED "GRADUATION FROM APPROVED COLLEGE REQUIRED."

The resolution, H.J.R. 39, was read and referred to the Standing Committee on Rules.

Also:

By Representative Willis:

H.J.R. 40. CONGRATULATING THE ALEXANDRIA VALLEY CUBS ON THEIR HIGH SCHOOL 4A FOOTBALL CHAMPIONSHIP.

The resolution, H.J.R. 40, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hooper:

H.J.R. 41. HONORING THE LIFE AND LEGACY OF YITZHAK RABIN.

The resolution, H.J.R. 41, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hooper:

H.J.R. 42. MOURNING THE DEATH OF MR. ADOLPH WEIL, JR., OF MONTGOMERY, ALABAMA.

The resolution, H.J.R. 42, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hooper:

H.J.R. 43. MOURNING THE DEATH OF DAVID ZACK ROLEN OF MONTGOMERY, ALABAMA.

The resolution, H.J.R. 43, was read and referred to the Standing Committee on Rules.

Also:

By Representative Burke:

H.J.R. 44. COMMENDING SAM GRAHAM OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

The resolution, H.J.R. 44, was read and referred to the Standing Committee on Rules.

Also:

By Representative Morrison:

H.J.R. 45. COMMENDING A. J. LAMAR OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

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The resolution, H.J.R. 45, was read and referred to the Standing Committee on Rules.

Also:

By Representative Morrison:

H.J.R. 46. COMMENDING THOMAS MOORE OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

The resolution, H.J.R. 46, was read and referred to the Standing Committee on Rules.

Also:

By Representative Morrison:

H.J.R. 47. COMMENDING PATRICK FREEMAN OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

The resolution, H.J.R. 47, was read and referred to the Standing Committee on Rules.

Also:

By Representative Morrison:

H.J.R. 48. COMMENDING EDDIE EVANS OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

The resolution, H.J.R. 48, was read and referred to the Standing Committee on Rules.

Also:

By Representative McKee:

H.J.R. 49. URGING THE BOARD OF PARDONS AND PAROLES TO DEVELOP A PLEDGE RELATING TO CHILD SUPPORT.

The resolution, H.J.R. 49, was read and referred to the Standing Committee on Rules.

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Also:

By Representatives Buskey, Kennedy and Mitchell:

**H.J.R. 50. HONORING THE REVEREND MICHAEL E. JACKSON AS
PASTOR OF AIMWELL MISSIONARY BAPTIST CHURCH.**

The resolution, H.J.R. 50, was read and referred to the Standing Committee on Rules.

RECESS

On motion of Representative Hammett, the House recessed for the purpose of hearing an address by the Honorable Fob James, Governor of the State of Alabama at 6:30 o'clock p.m. and at the completion of the Joint Session, the House will stand in adjournment until 9:00 o'clock a.m., Thursday, February 8, 1996.

JOINT SESSION

Pursuant to the resolution, H.J.R. 3, the Senate and the House of Representatives of the Legislature of Alabama met in Joint Session in the Hall of the House of Representatives, Alabama State Capitol, 600 Dexter Avenue, Montgomery, Alabama, for the purpose of hearing an address by the Honorable Fob James, Governor of the State of Alabama.

The Joint Session was called to order by the Honorable Don Siegelman, Lieutenant Governor and Presiding Officer of the Senate.

His Excellency, Fob James, Governor of the State of Alabama appeared before the Joint Session and delivered the following address to the Members of the Legislature of Alabama:

Mr. Speaker, Gov. Siegelman, Senators and Representatives, Mr. Chief Justice, members of the Alabama Supreme Court, distinguished guests, ladies and gentlemen, on behalf of the executive branch of government, I welcome you here to begin the second regular session of our term.

You passed solid legislation in the last regular session that, when implemented, will improve the lives of countless Alabamians.

Education reform is your mandate to improve scores on basic achievement tests and eliminate mismanagement in our public school system. The testing of

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new teachers for certification is already under attack by lawsuit. Mismanagement is being exposed in too many schools. The battle has just begun.

I expect aggressive leadership from Dr. Ed Richardson, our state Superintendent of Education, and Drs. Jimmy Baker and Joe Morton, our Assistant State Superintendents. I believe they are capable and determined.

I know we have thousands of fine teachers who, child by child, wage war on illiteracy daily. As I noted years ago, they are the infantry and our Foundation Program will provide them with the resources to win. Let me remind parents that without your support and participation, it is hard to educate your child. That is **your** primary responsibility.

I pledge to you as Governor and Chairman of the State School Board, I will do all within my authority to carry out your mandate. However, if my authority is insufficient, I will ask you to grant me the authority to get the job done. We must succeed in our mission to rescue children who can, but who are not learning to read and write because of poor instruction and little or no discipline.

Due to legislation you passed last year, as of January 1, 1996, any circuit court judge who receives more than \$2,000 in aggregate as a campaign contribution from an attorney, associates and partners, agents, clients, agents of clients, directly or indirectly, must recuse himself or herself from the case if requested to by the opposing attorney. This is good law and when coupled with the approval of three court reform resolutions which will be on the ballot in the June primary, you have provided the framework for our court system to be more independent, more open, more disciplined, less political and less likely to ever forsake the Separation of Powers Doctrine.

And you did more. You passed a strong industrial incentive package to make Alabama competitive without giving away the state. You also passed a much improved ethics law. Some say your work in the last regular session was the best in recent memory. That is true and I thank you for it. But today is a new day. So let us look at the history of tort reform.

In 1987, the Alabama Legislature passed comprehensive tort reform legislation. Mr. James K. Coyne, President of the American Tort Reform Association said Alabama's package was one of the nation's best, and I quote:

"The Alabama Legislature passed one of the five best tort reform packages in the nation this year. The generic changes adopted in Alabama will provide 'a tremendous economic advantage' to businesses operating in the state. 'If I had a business in Mississippi, I'd think about moving it to Alabama.'"

But the Alabama Supreme Court struck down the 1987 Statute on Tort Reform.

1. In *Armstrong v. Rogers Outdoor Sports - 1991*- the Court struck down a law empowering the trial courts to reduce punitive damage awards on the grounds that the separation of powers doctrine required reform only by constitutional amendment.

2. In *Henderson v. Alabama Power Company - 1993*- the court struck down limits on punitive damages on the grounds that the civil jury trial guaranty of the constitution requires reform only by constitutional amendment.

You might note it was four years from the date of the 1987 statute to the first Alabama Supreme Court ruling.

Since then, lawsuits have flourished in Alabama. Punitive damage awards have increased beyond reason. Several counties seem to attract numerous lawsuits where "jackpot justice" has the feel of a California gold rush.

On January 8, 1996, I called the Alabama Legislature into special session for one purpose, to pass tort reform.

I proposed a constitutional amendment that capped punitive damages for wanton acts, but not for willful acts. I did my best to guarantee a legal wall of separation between willful and wanton. But to no avail.

Then, on the tenth day of the 12-day special session, I took another route. I converted Alabama's 1987 Tort Reform statute into a constitutional amendment and sent it to the Senate.

After hours of work, five words stood in the way of total agreement. Those words are, "as a matter of law."

Many of you in this chamber strongly requested I call a special session on tort reform and you were right to do so. And I did, and we need it just as badly now as we did a month ago, because without it our efforts to recruit industry are handicapped which is a direct threat to jobs for our people and this cannot stand.

Therefore, I ask you to make tort reform the number one issue in this regular session. We have the experience of the special session to build on. When the special session started, the gap of disagreement was volumes wide. Now only five words separate us. So it was a difficult session, as tort reform is a complex issue.

But, an old English proverb says, "A smooth sea never made a skillful sailor."

Down through the centuries our courts have always adhered to the principle that the judge determines the law and the jury determines the facts.

If the five words which separate us, "As a matter of law" were inserted into my tort reform amendment the jury would lose its traditional constitutional authority to hear evidence and decide disputed issues of fact.

I am not alone in this opinion. Thomas Jefferson said, and I quote, "The people are not qualified to judge questions of law, but they are very capable of judging questions of fact. In the form of juries, therefore, they determine matters of fact, leaving to the permanent judges to decide the law resulting from those facts. I deem one of the essential principles of our government, and consequently one which ought to shape its administration...trial by juries impartially selected."

My proposed constitutional amendment limits punitive damage awards but adheres to the principles of law that have served us so well for so long. I ask you to support my constitutional amendment and allow the people to vote on it in the June Primary.

I think an amendment is necessary to cap punitive damages. Others believe it can be done statutorily. I respectfully disagree with this position from a legal standpoint. However, if one wishes to introduce a statute duplicating my amendment, so be it.

I think bills of venue, recusal, mediation, written instructions to the jury, jury selection, wrongful death, offers of demands for judgment and medical malpractice could pass quickly as total or near agreement was reached in the special session on the House and Senate version of these bills. This is a good start.

The mini-code is an issue we must resolve retroactively as well as prospectively or risk the withdrawal of vital financial services from Alabama and gross injustices to thousands of consumers and numerous businesses.

The four remaining bills are self-critical analysis, rogue agent, products liability and arbitration, and I suggest you tackle them as you finish the others.

Tort reform is not the whole story. There are other serious issues facing Alabama.

I propose a campaign finance bill that will eliminate the co-mingling of funds so the name of a campaign contributor and the final recipient of the contribution are connected and fully disclosed. Public disclosure on a timely basis directly linking who gives and who receives is the backbone of any honest campaign finance reform.

The time has come to give the people of Alabama the right to put an issue on the ballot for a statewide referendum vote. This bill will empower the people to enact general laws and constitutional amendments. Laws and constitutional amendments passed in this way will not require the governor's signature, nor will they be subject to his veto. In order to get a general law on the ballot, five percent of the voters in the most recent gubernatorial election must sign a petition. A constitutional amendment will require the signatures of eight percent of the total votes cast in the most recent gubernatorial election. I urge you to pass a resolution for a constitutional amendment to give the people of Alabama the right of initiative and referendum. They richly deserve it.

The Alabama Commission on Higher Education has been called a "toothless tiger" because it lacks the legal authority to limit duplication in two and four year schools. Our bills will put teeth in the tiger by providing measures to clarify and strengthen the authority of ACHE in regulating, planning, coordinating and setting standards for our institutions. We will also stop subsidizing college tuition for out of state students.

A voter identification bill will end abuse of election laws by requiring voters to present identification when voting. Why not guarantee honest elections?

Under the direction of a committee headed by Representative Jim Carns and including Senator Hank Sanders, Senator Dwight Adams, Senator George Clay, Representative Ed Maull, Representative Perry Hooper, Representative Locy Baker and Representative Thomas Jackson, we will offer legislation that will end the debilitating and destructive cycle of welfare dependency that discourages personal initiative and encourages indolence and apathy. What we are offering in our welfare reform package is a lifeline to the truly needy and the hope of a self-reliant future to those entrapped by welfare.

A workers compensation anti-fraud unit bill will require all self-insured employers, group insurance funds, employees and designated agents to report people who are stealing from the public by making false workers' compensation claims. The bill will create an investigative unit under the Department of Industrial Relations to investigate claims of fraud. If probable cause exists that fraud has been committed, the matter will be referred to the Attorney General.

We will offer legislation which will help safeguard the welfare of those receiving abortions in our state:

By requiring every hospital in the state to report to the Alabama Department of Public Health the number of patients admitted because of complications related to an abortion or attempted abortion.

By requiring mandatory professional liability insurance or approved self-insurance for all abortion centers, employees and physicians.

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By requiring parents of a minor child seeking an abortion to sign a consent form in the presence of the abortion provider.

By ensuring that health care workers who refuse to participate in an abortion because of religious conviction or reason of conscience cannot be fired, disciplined, retaliated against, sued or criminally charged.

By ensuring that parents have access to medical information and records of their unmarried children under the age of 19.

And by requiring a 48-hour waiting period before an abortion can be performed, except in medical emergencies.

Drug addiction continues to take its toll on our society in numerous ways. We must cut this scourge off at the source. I will propose legislation that will impose a mandatory 25-year jail sentence without parole for drug kingpins on the first offense. A drug kingpin is defined in the bill as any person who engages in a criminal enterprise for the purpose of trafficking hardcore illegal drugs. A kingpin is further defined as someone who is not operating on his own, but supervises at least five people in pushing drugs. If a kingpin is caught a second time, he will be executed.

Serious crime, including murder, is soaring among young people and yet their identity cannot be publicly disclosed. A bill we will offer will allow juvenile offenders to be identified and their criminal records opened to the public.

And so ends our proposed legislation at this time.

To everything there is a season--"A time to heal" and a "time for peace." I pray tonight that historians will record this 1996 Regular Session of the Legislature of the Great State of Alabama, as one of mutual trust and good will, that produced legislation for the welfare of all the people. To this end, Mr. Speaker---Gov. Siegelman, let us commit ourselves. It is time. Thank you.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the Joint Session having been accomplished, the Senate would retire to its Chamber.

ADJOURNMENT

The purpose of the Joint Session having been accomplished and in accordance with the motion heretofore adopted, the House adjourned until 9:00 o'clock a.m., Thursday, February 8, 1996.

SECOND DAY

**House of Representatives
Montgomery, Alabama
Thursday, February 8, 1996**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Bill Price, Associate Pastor, First United Methodist Church, Prattville, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Michael Rush, 5th Grade, Pinson Elementary School, Pinson, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Mauli, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the first legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the first legislative day was dispensed with.

LEAVE OF ABSENCE

At the request of Representative Hammett, leave of absence was granted for Representative Letson.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 19. COMMENDING AL JACKSON OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Al Jackson, Tailback for the University of North Alabama's 1995 Football Team that went 14-0 overall for its second perfect season in the last three years, went 7-0 in the Gulf South Conference for a third straight league title, and dominated four NCAA playoff opponents 138-49, to capture the national championship title for a third straight year in front of a sell-out crowd and a national television audience on ESPN; and

WHEREAS, the 1995 championship season represented the culmination of an impressive list of achievements for the University of North Alabama over the past 3 years, namely:

UNA as the first school in the history of NCAA scholarship football (Division I, I-AA, II) to win three consecutive national championships;

UNA as the first school in the history of collegiate football on any level to win 40 games in just three seasons (41-1 from 1993-95);

UNA's current 23-game winning streak as second best in the nation behind only Nebraska's 25;

UNA's Purple Swarm defense leading Division II in rushing defense and scoring defense;

Current UNA streaks including 41 consecutive wins against NCAA Division II opponents and 27 consecutive No. 1 rankings in the NCAA Division II poll; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend and congratulate Al Jackson of the University of North Alabama 1995 Football Team for his contribution to the success of the 1995 season, and do further direct that a copy of this resolution be provided for appropriate presentation and display.

On motion of Representative Carter, the resolution, H.J.R. 19, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 20. MOURNING THE DEATH OF RICHARD T. DORSEY OF PRATTVILLE, ALABAMA.

WHEREAS, it is with profound sorrow and regret that the Alabama Legislature records the death of Richard Taylor Dorsey of Prattville, Alabama; and

WHEREAS, Mr. Dorsey, who was a native of Memphis, Tennessee, was a devout and dedicated member of St. Mark's Episcopal Church in Prattville, and a charter member of the Prattville Country Club; and

WHEREAS, his love and enthusiasm for sports increased greatly as a member of the All-Memphis, All-Tennessee High School football and track teams, a scholarship winner to the University of Tennessee, and while serving on both the first All Southeastern Conference Football Team, and member of the Tennessee track team, he was also a member of Sigma Chi fraternity; and

WHEREAS, Mr. Dorsey began his career with Continental Gin while at high school and, upon graduation from college, worked briefly as manager at a Mississippi cotton gin; he subsequently returned to Continental and worked his way up from the sales department to serve as the company's seventh president from 1968 to 1972; and

WHEREAS, Richard Taylor Dorsey is survived by his wife, Ann; one daughter, Donna D. Davis; one son, Richard M. Dorsey; four granddaughters; and his constant companion and loyal dog, Betty D.; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the life and service of Richard Taylor Dorsey, and extend deepest sympathy to his wife, and other family members, for whom a copy of this resolution shall be provided that they may know of our shared sorrow in their great and inconsolable loss.

On motion of Representative Carter, the resolution, H.J.R. 20, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 21. RECOGNIZING MIDLAND CITY BAPTIST CHURCH ON ITS FIRST 100 YEARS OF CHRISTIAN SERVICE.

WHEREAS, on September 17, 1995, members, friends, and special guests assembled to celebrate the 100th Anniversary of Midland City Baptist Church, and its first 100 years of Christian ministry and service to the Midland City community; and

WHEREAS, over the years since its organization in 1895, Midland City Baptist Church has grown and flourished, and this milestone occasion provided an opportunity to reflect upon its rich and glorious heritage, and the many benchmarks in its long and illustrious history; and

WHEREAS, in contemplating the past, those who contributed so much in the life of Midland City Baptist were remembered, including former pastors, Reverend Poyner, the church's founding pastor (1895-1911), A. G. Spinks (1911-1935), J. B. Lasetter (1935-1943), P. W. Lett (1943-1950), W. H. Waters (1950-1974), David Spencer (1974-1977), T. W. Buford (1977-1980), Wallace Duke (1980-1987), George Thompson (1987-1993), and current pastor, the Reverend John Anderson, who has been at Midland City Baptist since 1993, and who continues in dynamic and spirit-filled guidance to lead his flock toward an even brighter church life; and

WHEREAS, also recognized were the many dedicated members, both past and present, who have served Midland City Baptist Church with Christian love, sacrifice, and devotion for more than ten decades; and

WHEREAS, in its first 100 years of Christian service, Midland City Baptist Church has had significant impact on the spiritual and moral climate of the Midland City community, and is indeed to be praised on the accomplishments of its celebrated past, which stand as a solid rock upon which to build a resplendent future; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is with highest commendation that we recognize Midland City Baptist Church, Midland City, Alabama, on its Centennial Anniversary, and direct that a copy of this resolution be presented to Pastor John Anderson on behalf of the entire membership for appropriate presentation and display.

On motion of Representative Carter, the resolution, H.J.R. 21, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 22. RECOGNIZING MIDLAND CITY BAPTIST CHURCH ON ITS FIRST 100 YEARS OF CHRISTIAN SERVICE.

WHEREAS, on September 17, 1995, members, friends, and special guests assembled to celebrate the 100th Anniversary of Midland City Baptist Church, and its first 100 years of Christian ministry and service to the Midland City community; and

WHEREAS, over the years since its organization in 1895, Midland City Baptist Church has grown and flourished, and this milestone occasion provided an opportunity to reflect upon its rich and glorious heritage, and the many benchmarks in its long and illustrious history; and

WHEREAS, in contemplating the past, those who contributed so much in the life of Midland City Baptist were remembered, including former pastors, Reverend Poyner, the church's founding pastor (1895-1911), A. G. Spinks (1911-1935), J. B. Lasetter (1935-1943), P. W. Lett (1943-1950), W. H. Waters (1950-1974), David Spencer (1974-1977), T. W. Buford (1977-1980), Wallace Duke (1980-1987), George Thompson (1987-1993), and current pastor, the Reverend John Anderson, who has been at Midland City Baptist since 1993, and who continues in dynamic and spirit-filled guidance to lead his flock toward an even brighter church life; and

WHEREAS, also recognized were the many dedicated members, both past and present, who have served Midland City Baptist Church with Christian love, sacrifice, and devotion for more than ten decades; and

WHEREAS, in its first 100 years of Christian service, Midland City Baptist Church has had significant impact on the spiritual and moral climate of the Midland City community, and is indeed to be praised on the accomplishments of its celebrated past, which stand as a solid rock upon which to build a resplendent future; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is with highest commendation that we recognize Midland City Baptist Church, Midland City, Alabama, on its Centennial Anniversary, and direct that a copy of this resolution be presented to Pastor John Anderson on behalf of the entire membership for appropriate presentation and display.

On motion of Representative Carter, the resolution, H.J.R. 22, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 23. COMMENDING DOUG BRADFORD UPON HIS INDUCTION INTO THE 1996 WIREGRASS SPORTS HALL OF FAME.

WHEREAS, Doug Bradford, a resident of Dothan, Alabama, has brought credit and distinction to himself through his career and civic achievements and, through his many activities, has improved the quality of life within the local community, and throughout the state, and it is appropriate at this time to highlight his many accomplishments, and to extend special honor and highest commendation; and

WHEREAS, Mr. Bradford, who attended both the University of Missouri and University of Alabama, worked for The Dothan Eagle as a reporter, sports editor, news editor, editorial page editor, and managing editor until his retirement in 1993; he also played a vital role in building the Rip Hewes Stadium in Dothan, and was instrumental in bringing about state high school football playoffs; and

WHEREAS, an honor indicative of the high esteem in which he is held in the community, Doug Bradford was the recipient of innumerable Associated Press and Alabama Press Association awards for his journalistic writings; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we take great pride in congratulating Doug Bradford upon his induction into the 1996 Wiregrass Sports Hall of Fame on February 18, 1996, and by copy of this resolution, convey best wishes for continued success in the years ahead.

On motion of Representative Carter, the resolution, H.J.R. 23, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 24. COMMENDING COACH MICKEY ANDREWS UPON HIS INDUCTION INTO THE 1996 WIREGRASS SPORTS HALL OF FAME.

WHEREAS, Coach Mickey Andrews, defensive coordinator for the Florida State University Seminoles under Coach Bobby Bowden, has spent 30 years in the coaching ranks, and is considered one of the premier defensive coaches in the collegiate ranks; and

WHEREAS, a native of Ozark, Alabama, Coach Andrews starred in both football and baseball for the University of Alabama from 1961-64, earned second team All-American honors as a wide receiver and defensive back, and played in three New Year's Day bowl games; he also earned All-Southeastern Conference honors in baseball, and received the Hugo Friedman Award as the Tide's best all-around athlete; and

WHEREAS, Coach Andrews began his coaching career as an assistant coach at Erwin High School in Birmingham, subsequently moving to Eastern Kentucky as offensive backs coach, and as both assistant coach and head coach at Livingston University; he was later named head coach and athletic director at the University of North Alabama, as defensive coordinator for Clemson University, and as assistant head coach for Auburn University; and

WHEREAS, serving as defensive backs coach for the University of Florida and as defensive coordinator for the United States Football League's Arizona Wranglers, Coach Andrews later joined the Florida State University staff as defensive coordinator and defensive backs coach, a post he currently holds; and

WHEREAS, named by Athlon's Southeastern Football Magazine as Assistant Coach of the Year in 1991, his enthusiasm and love for the game have set him apart as one of those special coaches who will be renowned and admired as long as football is played; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we take great pride in congratulating Coach Mickey Andrews upon his induction into the 1996 Wiregrass Sports Hall of Fame on February 18, 1996, and by copy of this resolution, convey best wishes for continued success in the years ahead.

On motion of Representative Carter, the resolution, H.J.R. 24, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 25. COMMENDING THOMAS J. BRYAN UPON HIS INDUCTION INTO THE 1996 WIREGRASS SPORTS HALL OF FAME.

WHEREAS, Thomas J. Bryan, who is a native of Bellwood, Alabama, and resident of Opelika, Alabama, was a graduate of Geneva County High School, and Auburn University; and

WHEREAS, while attending Geneva County High School, Mr. Bryan earned all-conference honors in football, basketball, baseball, and football, and is the current record holder for most points scored in a Geneva County basketball game; and

WHEREAS, elected team captain for the Auburn Tigers in 1962, Mr. Bryan earned most valuable player honors in the 1962 Peanut Bowl, was a three-year letterman for the Auburn Tigers, played quarterback and fullback for Coach Shug Jordan, and was the most valuable player and most valuable back in the 1965 Liberty Bowl game; and

WHEREAS, earning all-pro honors in the 1967 Continental Football League, Mr. Bryan sustained a knee injury in 1968, which ended his professional football career; and

WHEREAS, Mr. Bryan has worked for State Farm Insurance since 1970, and is a member, past president and co-chairman of the Auburn Football Letterman Club, member of the Opelika Chamber of Commerce, board member of the Lee County Salvation Army, and co-chairman of the Opelika Kiwanis Celebrity Golf Tournament; and

WHEREAS, his enthusiasm and love for sports have set him apart as one of those individuals who will be renowned and admired as long as football is played; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we take great pride in congratulating Thomas J. Bryan upon his induction into the 1996 Wiregrass Sports Hall of Fame on February 18, 1996, and by copy of this resolution, convey best wishes for continued success in the years ahead.

On motion of Representative Carter, the resolution, H.J.R. 25, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 26. COMMENDING CHARLES B. COLE UPON HIS INDUCTION INTO THE 1996 WIREGRASS SPORTS HALL OF FAME.

WHEREAS, Charles B. Cole, a native of Coffee County and resident of New Brockton, Alabama, graduated from Mulberry Heights in Elba, Alabama, and attended Alabama State and Troy State Universities; and

WHEREAS, earning the distinction of co-captain and captain of his high school basketball team, Mr. Cole also played basketball for the Alabama State Hornets, and was tabbed Enterprise State Junior College's "most loyal basketball fan"; and

WHEREAS, while working as an administrator and coach at New Hope Junior High School in Brundidge, Mr. Cole received Teacher of the Year and Man of the Year honors, as well as Conference Coach of the Year Award for three consecutive years; and

WHEREAS, Mr. Cole became assistant principal and head basketball coach at New Brockton High School in 1978, earned Alabama Coach of the Year honors for classes 1A and 2A, was recognized as SEAC Conference Coach of the Year, and as All-Star Basketball Game coach for the South Squad; and

WHEREAS, recipient of the State Championship Coaches Award, Mr. Cole also earned the Award of Merit, which signifies 20 or more years of service as a coach in the state; he also posted a 100-53 mark, and won five conference championships at New Hope Junior High, and a 141-39 mark at Warren Smith High School in New Brockton; and

WHEREAS, serving as the Gamecocks coach until 1981, Charles B. Cole became principal of New Brockton Elementary School in 1979, a post he continues to fill, along with numerous other community services; and

WHEREAS, his enthusiasm and love for basketball have set him apart as one of those special coaches who will be renowned and admired as long as basketball is played; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we take great pride in congratulating Charles B. Cole upon his induction into the 1996 Wiregrass Sports Hall of Fame on February 18, 1996, and by copy of this resolution, convey best wishes for continued success in the years ahead.

On motion of Representative Carter, the resolution, H.J.R. 26, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 27. COMMENDING JOE ED KIRKLAND UPON HIS INDUCTION INTO THE 1996 WIREGRASS SPORTS HALL OF FAME.

WHEREAS, Joe Ed Kirkland, a native of Newville, Alabama, graduated from Newville High School, and attended the University of Alabama; and

WHEREAS, in 1947 and 1948, Mr. Kirkland was selected to the NCAA Regional All-Tournament Team, and, in 1950, the Coach Happy Campbell All-American Team; and

WHEREAS, in recognition of exceptional achievement, the University of Alabama Athletic Department picked Mr. Kirkland as a member of the Team of the Century in 1993; and

WHEREAS, a member of the Braves organization for five years before an injury ended his flourishing career, Mr. Kirkland is now retired, and works with the Golden Peanut Company each fall; and

WHEREAS, an avid fisherman and lover of nature, his enthusiasm and love for baseball have set him apart as one of those special individuals who will be renowned and admired as long as baseball is played; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we take great pride in congratulating Joe Ed Kirkland upon his induction into the 1996 Wiregrass Sports Hall of Fame on February 18, 1996, and by copy of this resolution, convey best wishes for continued success in the years ahead.

On motion of Representative Carter, the resolution, H.J.R. 27, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 28. COMMENDING BETTY MIXON UPON HER INDUCTION INTO THE 1996 WIREGRASS HALL OF FAME.

WHEREAS, Betty Mixon, a native of Dothan, Alabama, and resident of St. Petersburg, Florida, is indeed deserving of highest praise for her outstanding

achievements with the Press Thornton Future Masters Golf Tournament where she served for 25 years, and has earned the respect and admiration of her colleagues through her involvement with the prestigious junior golf event at the Dothan Country Club; and

WHEREAS, providing a valuable service to the Future Masters, Ms. Mixon is an avid golfer, and the recipient of championship trophies for both the Dothan Country Club Ladies Invitational and Dothan Country Club Ladies Championship; and

WHEREAS, we also note that Ms. Mixon was recognized for her involvement and participation throughout the state with the Women's Alabama Golf Association where she won both the WAGA'S state Women's Amateur Championship in 1981 and State Seniors' Championship in 1982; and

WHEREAS, enjoying some leisure days with golfing, bowling, and televised sports, Betty Mixon has the distinguished honor of being the first female athlete to be included in the Wiregrass Sports Hall of Fame, and her enthusiasm and love for golf have set her apart as one of those special players who will be renowned and admired as long as golf is played; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we take great pride in congratulating Betty Mixon upon her induction into the 1996 Wiregrass Sports Hall of Fame on February 18, 1996, and by copy of this resolution, convey best wishes for continued success in the years ahead.

On motion of Representative Carter, the resolution, H.J.R. 28, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 29. COMMENDING THE LATE PRESS THORNTON, SR., UPON HIS INDUCTION INTO THE 1996 WIREGRASS HALL OF FAME.

WHEREAS, Press Thornton, Sr., who is now deceased, was a native of Fayetteville, Tennessee, and resident of Dothan, Alabama, and is indeed deserving of highest praise for his outstanding achievements as founder and namesake of the Press Thornton Future Masters Golf Tournament where the top junior golf events in the world are held; and

WHEREAS, the creation of the Press Thornton Future Masters Golf Tournament began while Mr. Thornton watched his teenage son, Press, Jr., compete and win numerous tournaments while playing against adults; and

WHEREAS, featuring only local players, the first Future Masters was held in 1950 and, in 1955, the tournament expanded to include more age groups and now draws an international field of players who have competed on the PGA Tour; and

WHEREAS, through the efforts of his son, Press, Jr., the Future Masters Committee, and the members of the Dothan Country Club, the Press Thornton Future Masters Golf Tournament legacy lives on and is now an annual event which brings over 600 young golfers to Dothan in what is considered to be one of the Grand Slam events for junior golf; and

WHEREAS, we hereby memorialize Press Thornton, Sr., for his illustrious record of personal, professional and civic achievements, and his enthusiasm and love for golf have set him apart as one of those special individuals who will be renowned and admired as long as golf is played; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we take great pride in commending Press Thornton, Sr., upon his induction into the 1996 Wiregrass Sports Hall of Fame on February 18, 1996.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be provided for his family with our best wishes for continued success with the Press Thornton Future Masters Golf Tournament.

On motion of Representative Carter, the resolution, H.J.R. 29, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 31. COMMENDING LINDA HENDRIX, OF LEEDS, ALABAMA, ON HER SELECTION AS 1995 CITIZEN OF THE YEAR.

WHEREAS, it is with a sense of great pride and deep admiration that the Legislature of Alabama notes the selection of Linda Hendrix as the Greater Leeds Area Chamber of Commerce 1995 Citizen of the Year, an honor given an individual who has served the community in an unselfish and productive manner; and

WHEREAS, Linda Hendrix, a cheerleader at Woodlawn High School, and again at the University of Alabama in 1969 and 1970, has demonstrated extraordinary community service as Founder and Director of Leeds Educational Assistance Program, Founder and Chairman of Leeds Elementary School Playground Project, Chairman of Leeds Chamber of Commerce Education Committee, Leeds Tech/Prep Advisory Committee, and Leeds High School Medical Advisory Coordinating Committee; and

WHEREAS, among numerous other worthwhile endeavors, Mrs. Hendrix has served as Chairman of the Jefferson County Board of Education Leadership Strategy Planning Committee, Jefferson County Board of Education Committee to Study School District Financial Status and School Needs, and Past President of Leeds Elementary School Parent Teacher Association; and

WHEREAS, highlights of her many awards include 1991 Channel 13 "Hometown Hero," Leeds Elementary School Outstanding Volunteer Award, 1994 J. C. Penney Golden Rule Award for Education, and the 1994 American Vocational Association Award of Merit; and

WHEREAS, Mrs. Hendrix has been equally committed in developing an Olympic track and field facility at Leeds High School for practice sessions during the 1996 Olympics, and in converting the junior high tech-prep lab into a lab to give all students access to a computer; and

WHEREAS, Linda Hendrix, who is gracious in her victories, is greatly admired by her husband, Tim; son, Tim; daughter, Heidi; and her countless friends, and is hereby commended on her long list of professional and extracurricular volunteer achievements; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Linda Hendrix of Leeds, Alabama, upon her selection as Greater Leeds Area Chamber of Commerce 1995 Citizen of the Year, and direct that a copy of this resolution be presented as evidence of our deep appreciation and warmest personal regard.

On motion of Representative Carter, the resolution, H.J.R. 31, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 32. SUSTAINING THE DISAPPROVAL BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW OF THE PROPOSED REPEAL BY THE STATE REVENUE DEPARTMENT OF RULE NO. 810-2-3.03, ENTITLED "EXCLUSION OF INVESTMENT IN SUBSIDIARIES."

WHEREAS, the State Revenue Department filed a "Notice of Intended Action" of the proposed repeal of Rule No. 810-2-3.03, entitled "Exclusion of Investment in Subsidiaries," which was published in the Alabama Administrative Monthly, dated March 31, 1995; and

WHEREAS, the State Revenue Department certified to the Legislative Reference Service the adoption of the proposed repeal of Rule No. 810-2-3.03, on May 17, 1995, which was the subject of a review at a meeting of the Joint Committee on Administrative Regulation Review on June 20, 1995; and

WHEREAS, after hearing from interested persons, the Joint Committee, in accordance with subsection (e) of Section 41-22-23 of the Code of Alabama 1975, disapproved the proposed repeal of Rule No. 810-2-3.03, entitled "Exclusion of Investment in Subsidiaries"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the decision of the Joint Committee to disapprove the proposed repeal by the State Revenue Department of Rule No. 810-2-3.03 entitled "Exclusion of Investment in Subsidiaries" is sustained.

On motion of Representative Carter, the resolution, H.J.R. 32, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 33. COMMENDING ERIC GROOM OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Eric Groom, Slotback for the University of North Alabama's 1995 Football Team that went 14-0 overall for its second perfect season in the last three years, went 7-0 in the Gulf South Conference for a third straight league title, and dominated four NCAA playoff opponents 138-49, to capture the national championship title for a third straight year in front of a sell-out crowd and a national television audience on ESPN; and

WHEREAS, the 1995 championship season represented the culmination of an impressive list of achievements for the University of North Alabama over the past 3 years, namely:

UNA as the first school in the history of NCAA scholarship football (Division I, I-AA, II) to win three consecutive national championships;

UNA as the first school in the history of collegiate football on any level to win 40 games in just three seasons (41-1 from 1993-95);

UNA's current 23-game winning streak as second best in the nation behind only Nebraska's 25;

UNA's Purple Swarm defense leading Division II in rushing defense and scoring defense;

Current UNA streaks including 41 consecutive wins against NCAA Division II opponents and 27 consecutive No. 1 rankings in the NCAA Division II poll; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend and congratulate Eric Groom of the University of North Alabama 1995 Football Team for his contribution to the success of the 1995 season, and do further direct that a copy of this resolution be provided for appropriate presentation and display.

On motion of Representative Carter, the resolution, H.J.R. 33, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 34. COMMENDING PAUL SANDERS OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Paul Sanders, Linebacker for the University of North Alabama's 1995 Football Team that went 14-0 overall for its second perfect season in the last three years, went 7-0 in the Gulf South Conference for a third straight league title, and dominated four NCAA playoff opponents 138-49, to capture the national championship title for a third straight year in front of a sell-out crowd and a national television audience on ESPN; and

WHEREAS, the 1995 championship season represented the culmination of an impressive list of achievements for the University of North Alabama over the past 3 years, namely:

UNA as the first school in the history of NCAA scholarship football (Division I, I-AA, II) to win three consecutive national championships;

UNA as the first school in the history of collegiate football on any level to win 40 games in just three seasons (41-1 from 1993-95);

UNA's current 23-game winning streak as second best in the nation behind only Nebraska's 25;

UNA's Purple Swarm defense leading Division II in rushing defense and scoring defense;

Current UNA streaks including 41 consecutive wins against NCAA Division II opponents and 27 consecutive No. 1 rankings in the NCAA Division II poll; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend and congratulate Paul Sanders of the University of North Alabama 1995 Football Team for his contribution to the success of the 1995 season, and do further direct that a copy of this resolution be provided for appropriate presentation and display.

On motion of Representative Carter, the resolution, H.J.R. 34, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 35. MOURNING THE DEATH OF WILLARD WILKINS.

WHEREAS, it is with profound sorrow and a deep sense of loss that the Alabama Legislature records the untimely death of Willard Wilkins of Winston County on December 24, 1995, at the age of 61 years; and

WHEREAS, Mr. Wilkins, who lost his life following complications after open heart surgery at Baptist Medical Center Princeton in Birmingham, was a much-loved and respected member of District 1, Winston County, and was elected Commissioner in November 1994, serving as a man of vision who always had the best interests of his community in mind, and who always kept himself available and accessible to the people he served; and

WHEREAS, Willard Wilkins' memory will be cherished by his loving wife, Vergie; one son, Dewayne; three daughters, Gail Tyree, Denise Morgan, and Judy Willingham; 10 grandchildren; two great grandchildren; and two brothers, Ottis and Fred Wilkins; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express our deepest regret in the death of Mr. Wilkins, and extend our most heartfelt sympathy to his bereaved family, for whom a copy of this resolution shall be provided with our sincere condolence.

On motion of Representative Carter, the resolution, H.J.R. 35, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 36. CONGRATULATING THE CORDOVA BLUE DEVILS ON THEIR STATE 3-A FOOTBALL CHAMPIONSHIP.

WHEREAS, the Alabama Legislature, in utmost commendation, extends heartiest congratulations to the Cordova Blue Devils on winning the 1995 State 3A Football Championship; and

WHEREAS, ending the season with a spectacular victory, the Cordova High School Blue Devils shut out the B. B. Comer Tigers 6-0 to win the Alabama High School Athletic Association's Class 3A Championship, and captured the crown in front of a crowd of 4,000 spectators; and

WHEREAS, Head Coach Brian Maner, who is widely acknowledged as an outstanding high school coach, is also known for the positive impact he has had upon the young students under his tutelage; and

WHEREAS, with every game played in the spirit and tradition of good sportsmanship and fair play, each member of the team is to be praised for his integral part in achieving this coveted goal; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Cordova High School Blue Devils on their 1995 Alabama High School Athletic Association's Class 3A Football Championship.

BE IT FURTHER RESOLVED, That a copy of this resolution be given to Coach Brian Maner, his staff, and his Blue Devils Champions, with a copy also provided for appropriate school display.

On motion of Representative Carter, the resolution, H.J.R. 36, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 37. COMMENDING DEAN PARHAM H. WILLIAMS, JR., FOR OUTSTANDING SERVICE AS VICE PRESIDENT AND DEAN OF CUMBERLAND SCHOOL OF LAW, SAMFORD UNIVERSITY.

WHEREAS, Dean Parham H. Williams, Jr., is being commended and praised in recognition of his extraordinary and distinguished service as Vice President and Dean of Cumberland School of Law, Samford University, Birmingham, Alabama; and

WHEREAS, Dean Williams received both his B.A. and J.D. Degrees from the University of Mississippi, an LL.M. Degree from Yale University, and is the author of numerous publications; he has also served his profession in such prominent capacities as prosecutor, professor, and dean at the University of Mississippi Law School, and

WHEREAS, with tireless hard work and unwavering commitment, Dean Williams has made a lasting impression at Cumberland Law School by increasing the number of admission applications by 200%, reducing the class size by 15%, raising the average admissions criteria to new heights, and was instrumental in 17 new members joining the faculty; and

WHEREAS, Dean Williams has overseen the largest funds development efforts in the history of Cumberland Law School, and his leadership has been of inestimable worth to the school and his colleagues; and

WHEREAS, in addition to the many responsibilities of his career, Dean Williams has served in such capacities as Chairman of the Governor's Task Force on Tort Reform, the Mississippi Supreme Court Advisory Committee on Rules, the Alabama Humanities Foundation, and as an American Bar Foundation Fellow, to mention a few; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his extraordinary service as Vice President and Dean of Cumberland School of Law, Samford University, we hereby most highly commend Dean Parham H. Williams, Jr., whom we hold in highest personal regard, and for whom a copy of this resolution shall be provided as an expression of our tribute and esteem.

On motion of Representative Carter, the resolution, H.J.R. 37, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 38. MOURNING THE DEATH OF ALICE KAY WILSON OF JASPER, ALABAMA.

WHEREAS, it is with deep personal sadness that the Legislature of Alabama records the death of Alice Kay Wilson, Jasper, Alabama, at the age of 35 years; and

WHEREAS, Ms. Wilson, the daughter of former Alabama Senator Robert T. Wilson and Ruth Wilson, and sister of former State Senator Robert T. Wilson, Jr., graduated from Walker High School in 1978, received her degree in home economics from Auburn University graduating cum laude in 1982, was a member of the Omicron Nu National Honor Society, and received her Master's Degree from Reformed Theological Seminary, Jackson, Mississippi, in 1991; and

WHEREAS, Ms. Wilson, who was a devoted servant at Briarwood Presbyterian Church in Birmingham, Alabama, began her professional career with Student Venture in 1983, the high school campus outreach program of Campus Crusade for Christ, was a teaching assistant at Reformed Theological Seminary in 1991, and later returned to Jasper where she served eminently and with great dedication in the Child Development program at Walker College, and at the Jasper Center of Bevill State Community College as the Learning Resource Center Coordinator from November 1991 until her death; and

WHEREAS, the lamentable death of Alice Kay Wilson has indeed left an unfathomable void in the life of the community, and in the hearts of her loving family who seek solace in cherished memories that will live forever; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as her death is mourned, thanks are given to God for the life and service of Alice Kay Wilson, and, by copy of this resolution, deepest sympathy is hereby extended to her parents, Senator and Mrs. Robert T. Wilson; two sisters, Sue Wilson Stough and Sally Wilson DeWitt; one brother, Senator Robert T. Wilson, Jr.; and to members of her extended family and friends who share with countless others their great and grievous loss.

On motion of Representative Carter, the resolution, H.J.R. 38, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 39. SUSTAINING THE DISAPPROVAL BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW OF THE ALABAMA STATE BOARD OF CHIROPRACTIC EXAMINERS PROPOSED AMENDMENT OF RULE NO. 190-X-2-.01, ENTITLED "GRADUATION FROM APPROVED COLLEGE REQUIRED."

WHEREAS, the Alabama State Board of Chiropractic Examiners filed a "Notice of Intended Action" of the proposed Amendment of Rule No. 190-X-2-.01, entitled "Graduation From Approved College Required," which was published in the Alabama Administrative Monthly, dated May 31, 1995; and

WHEREAS, the Alabama State Board of Chiropractic Examiners certified to the Legislative Reference Service the adoption of an amendment to Rule No. 190-X-2-.01, on August 10, 1995, which was the subject of a review at a meeting of the Joint Committee on Administrative Regulation Review on September 14, 1995; and

WHEREAS, after hearing from interested persons, the Joint Committee, in accordance with subsection (e) of Section 41-22-23 of the Code of Alabama 1975, disapproved the proposed amendment of Rule No. 190-X-2-.01, entitled "Graduation From Approved College Required"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the decision of the Joint Committee to disapprove the proposed rule amendment by the Alabama State Board of Chiropractic Examiners to Rule No. 190-X-2-.01, entitled "Graduation From Approved College Required," is sustained.

On motion of Representative Carter, the resolution, H.J.R. 39, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 40: CONGRATULATING THE ALEXANDRIA VALLEY CUBS ON THEIR HIGH SCHOOL 4A FOOTBALL CHAMPIONSHIP.

WHEREAS, the Alexandria Valley Cubs have won the Alabama High School 4A Football Championship, thus bringing immense happiness and pride to the local community and state and, in recognition thereof, the team members, the members of the coaching staff, and all of those individuals associated with the team are deserving of special public commendation; and

WHEREAS, Mac Campbell scored his third touchdown of the night on a 5-yard run that proved to be the winning play as Alexandria defeated defending state Class 4A champion T. R. Miller 18-13 to give the Valley Cubs the state title; and

WHEREAS, in their determination to develop the fullest potential of the players Head Coach Larry Ginn, Assistant Coaches Frank Tucker, Gerald Shaw, Andy Shaw, Daryl Hamby, James Heathcock, and Trainers, Hank Hurley and Scott Taylor devoted countless hours to training the members and emphasizing discipline and good sportsmanship; and

WHEREAS, the people of the Alexandria Community can be proud of athletic competitors of the caliber of the Alexandria Valley Cubs High School Football Team, who so admirably represent them in sporting events, and who possess the skill and determination to succeed in their efforts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alexandria Valley Cubs Football Team is congratulated for their 15-0 season, and upon winning the High School 4A Football Championship.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate presentation and display.

On motion of Representative Carter, the resolution, H.J.R. 40, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 41. HONORING THE LIFE AND LEGACY OF YITZHAK RABIN.

WHEREAS, Yitzhak Rabin, a true hero of Israel, was born in Jerusalem on March 1, 1922; and

WHEREAS, Yitzhak Rabin served in the Israel Defense Forces for more than two decades, and fought in three wars including service as Chief of Staff of the Israel Defense Forces during the Six Day War of June 1967; and

WHEREAS, Yitzhak Rabin served the people of Israel with great distinction in a number of government positions, including Ambassador to the United States from 1968 to 1973, Minister of Defense from 1984 to 1988, and twice as Prime Minister from 1974 to 1977, and from June 1992 until his assassination on November 4, 1995, in Tel Aviv, Israel; and

WHEREAS, under the leadership of Yitzhak Rabin a framework for peace between Israel and the Palestinians was established with the signing of the Declaration of Principles on September 13, 1993, followed by the peace treaty between Israel and Jordan on October 26, 1994, which continues today; and

WHEREAS, on December 10, 1994, Yitzhak Rabin was awarded the Nobel Prize for Peace for his vision and accomplishments as a peacemaker; and

WHEREAS, shortly before his assassination, Yitzhak Rabin said, "I have always believed that the majority of the people want peace and are ready to take a change for peace . . . Peace is not only in prayers . . . but it is in the desire of the Jewish people"; and

WHEREAS, Yitzhak Rabin's entire life was dedicated to the cause of peace and security for Israel and its people; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Legislature and the citizens of Alabama hereby condemn the heinous assassination of Prime Minister Yitzhak Rabin in the strongest possible terms; express admiration for the historic contributions made by Yitzhak Rabin over his long and distinguished career of public service; express our support for the government of Prime Minister Shimon Peres; reaffirm our commitment to the process of building a just and lasting peace between Israel and its neighbors; and by copy of this resolution to be provided through the Israeli Embassy, do hereby extend our deepest sympathy and condolences to the family of Prime Minister Rabin, and to all the people of Israel in this time of tragedy.

On motion of Representative Carter, the resolution, H.J.R. 41, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 42. MOURNING THE DEATH OF MR. ADOLPH WEIL, JR., OF MONTGOMERY, ALABAMA.

WHEREAS, the Alabama Legislature grievously records the untimely death of Adolph Weil, Jr., of Montgomery, Alabama, on December 12, 1995; and

WHEREAS, born on February 8, 1915, in Montgomery, Adolph "Bucks" Weil was an outstanding businessman, a noted philanthropist, a dedicated public servant, and a generous supporter of the arts, whose philosophy was that with financial success came a responsibility to give something back to the community and to society in general; and

WHEREAS, he was widely known and admired through his involvement in leadership and service with numerous civic, cultural, and educational activities, and for his frequent, anonymous financial support of many worthy organizations; he was also a very caring person whose concern for his family, friends, and the community was reflected daily through his many endeavors on their behalf; and

WHEREAS, among his numerous contributions, he served as Chairman of the Alabama Ethics Commission, President of the Montgomery Area United Way, the Jewish Federation of Montgomery, Temple Beth-Or, and the American Cotton Shippers Association; his many board memberships included the Y.M.C.A., the Montgomery Museum of Fine Arts, the Hood Museum at Dartmouth College, the Tukabatchee Area Council of the Boy Scouts of America, the Davis Theater for the

Performing Arts, the Montgomery Business Community for the Arts, First Alabama Bank, the National Cotton Council, the Montgomery Council on Aging, and the Mental Health Association; additionally, he led the successful crusade to save the Meals on Wheels program for the Montgomery area; and

WHEREAS, Bucks Weil was indeed a kind, loving, and compassionate person whose lamentable death has left an unfathomable void in the hearts of all those whose lives he touched through genuine care and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Adolph Weil, Jr., and extend our very deepest sympathy to his wife, Jean Kaufman Weil; daughters, Jan Katherine Weil and Dr. Laurie Weil; son, Adolph Weil, III; and other family members, for whom a copy of this resolution shall be provided that they may know that we sincerely share their great and grievous loss.

On motion of Representative Carter, the resolution, H.J.R. 42, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 43. MOURNING THE DEATH OF DAVID ZACK ROLAN OF MONTGOMERY, ALABAMA.

WHEREAS, it is with the most profound sorrow and a deep sense of loss that the Alabama Legislature records the death of David Zack Rolan of Montgomery, Alabama, on January 9, 1996; and

WHEREAS, graduating from Barnes Academy and the Pensacola Naval Air Station, Mr. Rolan attained the rank of Lieutenant in the Naval Air Corps, and served as a pilot in the South Pacific during World War II; after his tour of duty, he attended Auburn University, and became a member of Sigma Alpha Epsilon fraternity; and

WHEREAS, joining in the family business of J. Z. Rolan Contracting Company, Mr. Rolan played a vital role in the formation, growth, and progress of the business; he later worked for the Alabama Highway Department in the Sixth Division's Bridge Inspection and Engineering Group until his retirement; and

WHEREAS, an avid outdoorsman, Mr. Rolan once held a state fishing record for catching the largest walleye, and will long be remembered as someone who enjoyed teaching people about nature; and

WHEREAS, David Zack Rolen is survived by his wife, Hilda, who was a constant source of support and encouragement; two daughters, Julia Vinson and Gay Winters; and one son, James Zack Rolen; among other bereaved family and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express deepest regret at the death of Mr. Rolen, and extend our most heartfelt sympathy to his wife and children, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 43, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 44. COMMENDING SAM GRAHAM OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Sam Graham, Linebacker for the University of North Alabama's 1995 Football Team that went 14-0 overall for its second perfect season in the last three years, went 7-0 in the Gulf South Conference for a third straight league title, and dominated four NCAA playoff opponents 138-49, to capture the national championship title for a third straight year in front of a sell-out crowd and a national television audience on ESPN; and

WHEREAS, the 1995 championship season represented the culmination of an impressive list of achievements for the University of North Alabama over the past 3 years, namely:

UNA as the first school in the history of NCAA scholarship football (Division I, I-AA, II) to win three consecutive national championships;

UNA as the first school in the history of collegiate football on any level to win 40 games in just three seasons (41-1 from 1993-95);

UNA's current 23-game winning streak as second best in the nation behind only Nebraska's 25;

UNA's Purple Swarm defense leading Division II in rushing defense and scoring defense;

Current UNA streaks including 41 consecutive wins against NCAA Division II opponents and 27 consecutive No. 1 rankings in the NCAA Division II poll; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend and congratulate Sam Graham of the University of North Alabama 1995 Football Team for his contribution to the success of the 1995 season, and do further direct that a copy of this resolution be provided for appropriate presentation and display.

On motion of Representative Carter, the resolution, H.J.R. 44, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 45. COMMENDING A. J. LAMAR OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, A. J. Lamar, Fullback for the University of North Alabama's 1995 Football Team that went 14-0 overall for its second perfect season in the last three years, went 7-0 in the Gulf South Conference for a third straight league title, and dominated four NCAA playoff opponents 138-49, to capture the national championship title for a third straight year in front of a sell-out crowd and a national television audience on ESPN; and

WHEREAS, the 1995 championship season represented the culmination of an impressive list of achievements for the University of North Alabama over the past 3 years, namely:

UNA as the first school in the history of NCAA scholarship football (Division I, I-AA, II) to win three consecutive national championships;

UNA as the first school in the history of collegiate football on any level to win 40 games in just three seasons (41-1 from 1993-95);

UNA's current 23-game winning streak as second best in the nation behind only Nebraska's 25;

UNA's Purple Swarm defense leading Division II in rushing defense and scoring defense;

Current UNA streaks including 41 consecutive wins against NCAA Division II opponents and 27 consecutive No. 1 rankings in the NCAA Division II poll; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend and congratulate A. J. Lamar of the University of North Alabama 1995 Football Team for his contribution to the success of the 1995 season, and do further direct that a copy of this resolution be provided for appropriate presentation and display.

On motion of Representative Carter, the resolution, H.J.R. 45, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 46. COMMENDING THOMAS MOORE OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Thomas Moore, Offensive Lineman for the University of North Alabama's 1995 Football Team that went 14-0 overall for its second perfect season in the last three years, went 7-0 in the Gulf South Conference for a third straight league title, and dominated four NCAA playoff opponents 138-49, to capture the national championship title for a third straight year in front of a sell-out crowd and a national television audience on ESPN; and

WHEREAS, the 1995 championship season represented the culmination of an impressive list of achievements for the University of North Alabama over the past 3 years, namely:

UNA as the first school in the history of NCAA scholarship football (Division I, I-AA, II) to win three consecutive national championships;

UNA as the first school in the history of collegiate football on any level to win 40 games in just three seasons (41-1 from 1993-95);

UNA's current 23-game winning streak as second best in the nation behind only Nebraska's 25;

UNA's Purple Swarm defense leading Division II in rushing defense and scoring defense;

Current UNA streaks including 41 consecutive wins against NCAA Division II opponents and 27 consecutive No. 1 rankings in the NCAA Division II poll; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend and congratulate Thomas Moore of the University of North Alabama 1995 Football Team for his contribution to the success of the 1995 season, and do further direct that a copy of this resolution be provided for appropriate presentation and display.

On motion of Representative Carter, the resolution, H.J.R. 46, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 47. COMMENDING PATRICK FREEMAN OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Patrick Freeman, Split End for the University of North Alabama's 1995 Football Team that went 14-0 overall for its second perfect season in the last three years, went 7-0 in the Gulf South Conference for a third straight league title, and dominated four NCAA playoff opponents 138-49, to capture the national championship title for a third straight year in front of a sell-out crowd and a national television audience on ESPN; and

WHEREAS, the 1995 championship season represented the culmination of an impressive list of achievements for the University of North Alabama over the past 3 years, namely:

UNA as the first school in the history of NCAA scholarship football (Division I, I-AA, II) to win three consecutive national championships;

UNA as the first school in the history of collegiate football on any level to win 40 games in just three seasons (41-1 from 1993-95);

UNA's current 23-game winning streak as second best in the nation behind only Nebraska's 25;

UNA's Purple Swarm defense leading Division II in rushing defense and scoring defense;

Current UNA streaks including 41 consecutive wins against NCAA Division II opponents and 27 consecutive No. 1 rankings in the NCAA Division II poll; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend and congratulate Patrick Freeman of the University of North Alabama 1995 Football Team for his contribution to the success of the 1995 season, and do further direct that a copy of this resolution be provided for appropriate presentation and display.

On motion of Representative Carter, the resolution, H.J.R. 47, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 48. COMMENDING EDDIE EVANS OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Eddie Evans, Center for the University of North Alabama's 1995 Football Team that went 14-0 overall for its second perfect season in the last three years, went 7-0 in the Gulf South Conference for a third straight league title, and dominated four NCAA playoff opponents 138-49, to capture the national championship title for a third straight year in front of a sell-out crowd and a national television audience on ESPN; and

WHEREAS, the 1995 championship season represented the culmination of an impressive list of achievements for the University of North Alabama over the past 3 years, namely:

UNA as the first school in the history of NCAA scholarship football (Division I, I-AA, II) to win three consecutive national championships;

UNA as the first school in the history of collegiate football on any level to win 40 games in just three seasons (41-1 from 1993-95);

UNA's current 23-game winning streak as second best in the nation behind only Nebraska's 25;

UNA's Purple Swarm defense leading Division II in rushing defense and scoring defense;

Current UNA streaks including 41 consecutive wins against NCAA Division II opponents and 27 consecutive No. 1 rankings in the NCAA Division II poll; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend and congratulate Eddie Evans of the University of North Alabama 1995 Football Team for his contribution to the success of the 1995 season, and do further direct that a copy of this resolution be provided for appropriate presentation and display.

On motion of Representative Carter, the resolution, H.J.R. 48, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 50. HONORING THE REVEREND MICHAEL E. JACKSON AS PASTOR OF AIMWELL MISSIONARY BAPTIST CHURCH.

WHEREAS, the Reverend Michael E. Jackson is commended and praised on his 20th Anniversary as Pastor of Aimwell Missionary Baptist Church, Mobile, Alabama; and

WHEREAS, the members of Aimwell Missionary Baptist Church will gather to honor and pay tribute to Reverend Jackson on his many years of dedicated and faithful service at a 20th Anniversary Celebration, on February 20-25, 1996; and

WHEREAS, Reverend Jackson has been an inspiration to his church family as a true symbol of strength, love, and commitment to the Lord, and, under his spiritual leadership and guidance, Aimwell Missionary Baptist Church flourished in all aspects of its ministry and witness; and

WHEREAS, among countless accomplishments have been the new Education Wing and Office Complex, the Learning Tree Day Care Center, expansion of the Music Department and two Sunday services, establishment of a Women's Ministry, Outreach Evangelistic Ministry, Layman's Brotherhood, and Prayer Partners, among numerous others; and

WHEREAS, indeed, as a dedicated minister of the Gospel, The Reverend Michael E. Jackson has remained faithful to his call, working tirelessly toward the growth, progress and expansion of the church and its ministries, and leading his flock in spiritual growth toward an ever brighter spiritual life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in celebration of his many years of faithful service as pastor of Aimwell Baptist Church, and in tribute to his many outstanding contributions of service, highest commendation is hereby accorded Reverend Jackson, for whom a copy of this resolution shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 50, was adopted.

BILLS ON SECOND READING

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 12. (With Amendment): To amend Section 41-23-30, Code of Alabama 1975; to provide additional tax exemptions for certain eligible businesses under the Alabama Enterprise Zone Act.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 33. To repeal in its entirety Act 95-762 and to make a \$6,616,000 supplemental appropriation from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1996, to the State Board of Education to be distributed to six local boards of education for capital outlay purposes for the construction of or repairs to schools damaged by windstorm or fire.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 37. (With Amendment): To make a supplemental appropriation from the Department of Corrections Special Revenue Fund in the amount of \$3,800,000 and the Correctional Industries Revolving Fund in the amount of \$2,161,000 to the Department of Corrections for the fiscal year ending September 30, 1996.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 119. To make a supplemental appropriation from the State General Fund in the amount of \$850,000 to the Child Advocacy Centers for the fiscal year ending September 30, 1996.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 121. (With Amendment): To provide for a supplemental appropriation from the State General Fund for the fiscal year ending September 30, 1996, in the amount of \$2,993,334 to various state agencies; and to provide for an effective date.

H. 122. (With Amendment): To provide for a supplemental appropriation from the State General Fund for the fiscal year ending September 30, 1996, in the amount of \$6,688,000 to various state agencies; to provide for a supplemental appropriation from the Special Mental Health Fund of \$2,000,000 to the Department of Mental Health and Mental Retardation for the fiscal year ending September 30, 1996; and to provide for an effective date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 186. To exempt amend Sections 40-23-4 and 40-23-62, Code of Alabama 1975, to exempt all domestically mined or produced coal, coke, and coke by-products used in cogeneration plants in the state from the payment of all state sales and use taxes.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 54. To provide for a construction industry craft training education program in vocational schools, technical schools, trade schools, and colleges; to establish the Alabama Construction Industry Training Board; and to impose a construction permit surcharge to fund a construction industry craft training program.

H. 129. To provide for licensure and regulation of massage therapists and massage establishments; to provide for the registration of massage therapy schools and instructors; to create the Alabama Board of Massage Therapy; to create the Alabama Board of Massage Therapy Fund; to provide for an appropriation to the Alabama Board of Massage Therapy from the Alabama Board of Massage Therapy Fund in an amount as deemed necessary for fiscal year 1996-1997; to provide for the duties and powers of the board; and to prescribe penalties for violations of the act.

H. 17. Relating to subordinate officers and employees of the Legislature; providing for the election, appointment, number, duties, powers, compensation, classification, and supervision of these officers and employees; providing that the Offices of the Lieutenant Governor and the Speaker of the House of Representatives are distinct and specifying the powers of the Lieutenant Governor and the Speaker in the operation of their offices; amending Sections 29-1-9,

29-1-12, 29-2-22, 29-2-41, and 29-2-62 of the Code of Alabama 1975; repealing Chapter 4 of Title 29 of the Code of Alabama 1975 and adding a new chapter in lieu thereof relating to subordinate officers and employees of the Legislature; repealing Sections 29-2-7, 29-2-21, and 29-2-53 of the Code of Alabama 1975; and providing for a delayed effective date.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 39. (With Amendment): To amend Section 29-2-20, Code of Alabama 1975, to provide for the appointment of additional members to the Joint Prison Committee; and to provide further for the duties of the committee.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 134. To amend Section 28-3-42, Code of Alabama 1975, relating to the duties of the Alcoholic Beverage Control Board and its administrator; to provide for filing an annual report to the Governor during the month of December unless determined otherwise by the Governor.

H. 183. To amend Section 28-3-43, Code of Alabama 1975, relating to the duties and powers of the Alcoholic Beverage Control Board, to authorize the board to purchase and own buildings for its operations.

H. 180. Relating to workers' compensation; to amend Sections 25-5-8, 25-5-14, 25-5-50, and 25-5-78, Code of Alabama 1975, and to add Section 25-5-8.1 and Section 25-5-220 to the Code of Alabama 1975 to make substantial alterations in the existing law.

Representative Gaines, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 35. To amend Sections 25-4-10 and 25-5-50, Code of Alabama 1975, relating to exclusions from the definition of employment for state unemployment compensation and workers compensation purposes, respectively; to clarify and confirm the Legislature's intent that certain product demonstrators shall be considered self-employed independent contractors for purposes of determining eligibility for state unemployment and workers compensation, and not as employees; and to provide for a retroactive effective date.

H. 30. To amend Section 28-4-31, Code of Alabama 1975, relating to the prohibition against using the words saloon, buffet, or bar in describing places where alcoholic beverages are sold, to remove the prohibition.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 149. To amend Section 12-15-71, Code of Alabama 1975, to require that under certain conditions a court order a juvenile to attend an alternative school if the juvenile is found to be delinquent and is committed to a juvenile detention facility or to the Department of Youth Services, but the juvenile detention facility or the Department of Youth Services is unable to take the juvenile due to a lack of space; to provide for a court to order a juvenile who has been certified by the juvenile court as an adult to attend an alternative school; to provide that the juvenile court may release an order requiring the juvenile attend an alternative school to the appropriate board of education; and to provide that a juvenile age 16 or over charged as an adult or with distribution of a controlled substance would be assigned to an alternative school.

H. 20. To require each local school board to establish a written reduction-in-force policy.

H. 177. To require the reasonable posting of personnel vacancies by public school systems, public schools or colleges under the control of the State Board of Education, and certain other public educational institutions before the positions are filled.

H. 182. To amend Section 16-9-8, Code of Alabama 1975, to provide that elected county superintendents of education take office on January 1 following election.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 96. To amend Section 2-19-121 of the Code of Alabama 1975, to further provide for the definitions, including "confirmation phase" and "elimination zone," of the boll weevil eradication program; and to amend Section 2-19-134 of the Code of Alabama 1975, relating to the conduct of referendums for the boll weevil eradication program; to provide for the referendum requirements when the elimination zone is in the confirmation phase of the eradication program.

H. 147. To amend Sections 9-11-270, 9-11-271, 9-11-273, and 9-11-275 of the Code of Alabama 1975, relating to interference with legal hunting and providing penalties; to add interference with legal fishing to the prohibitions of these sections subject to the same penalties; and to delete an exception for acts committed on publicly owned lands or waters.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 36. To encourage environmental, health, or safety (EHS) audits by creating a qualified EHS audit privilege; to provide for the use of the EHS audit privilege.

H. 171. To create the Environmental Legislative Oversight Committee to advise on environmental policy issues and to review operations of the State Environmental Management Commission and the Alabama Department of Environmental Management.

H. 172. To amend Section 22-22A-6, Code of Alabama 1975, to further provide for the membership and the terms of office of the Environmental Management Commission; and to provide for the qualifications of the appointees.

Representative Carns, Chairperson of the Standing Committee on Industrial Development and Economic Growth, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 159. To prevent unconscionable pricing during periods in which the state or any part thereof is under a declared state of emergency, due to a natural disaster; to define unconscionable pricing; and to make it unlawful and an unfair trade practice for any person or his or her employee to rent, sell, or offer to rent or sell in this state during a declared state of emergency a commodity at an unconscionable price.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and pursuant to House Rule 35 was referred to the Standing Committee on Tourism, Entertainment and Sports:

H. 1. To authorize the operator of the greyhound racetrack licensed by the Macon County Racing Commission to transmit televised racing events to other racetracks in the State of Alabama and to locations outside the state for pari-mutuel wagering thereon and to create and administer pari-mutuel pools that include bettors at locations receiving the televised racing events; to authorize the

operator of the racetrack licensed by the Macon County Racing Commission to receive televised racing events from racetracks in the state and outside the state for pari-mutuel wagering thereon, to conduct pari-mutuel wagering on such racing events, and to participate in pari-mutuel pools that include bettors on such racing events at other locations; to facilitate pari-mutuel wagering on both live and televised racing events by prescribing new schedule of takeouts from pari-mutuel pools that are permitted to be withdrawn by the operator of the greyhound race-track licensed by the Macon County Racing Commission; to provide for changing the hours of operation for the racetrack licensed by the Macon County Racing Commission; and to amend Act No. 83-575 to modify the compensation and expense allowances of members of the Macon County Racing Commission.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 32. To propose an amendment to the Constitution of Alabama of 1901, relating to Clay County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments; providing for expenditure and accounting of the funds; providing for the tax to self-destruct upon dissolution of the Clay County Volunteer Fire Department Association; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

The above bill was read a second time at length as required by the Constitution.

H. 81. Relating to Greene County; providing for the installation of vending machines in the canteen in the county jail; and providing further for the distribution of the profits received from the vending machines.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 188. (With Substitute): Relating to Randolph county; amending Act No. 85-616, H. 696 of the 1985 Regular Session (Acts 1985, p. 944), to provide that the sheriff in his or her official capacity is entitled to the allowances payable by the state for feeding prisoners; and to provide that the provisions of this act are declaratory of existing law and are retroactive to January 18, 1983.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 189. Relating to Randolph County, amending Section 1 of Act 81-938, 1981 First Special Session, to authorize the county commission to provide for an additional recording fee for certain documents filed for record in the Office of the Judge of Probate.

RESOLUTIONS

The following resolutions were introduced:

By Representatives Parker (P) and Starkey:

H.J.R. 51. COMMENDING SCOTT BASDEN OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Scott Basden, Center for the University of North Alabama's 1995 Football Team that went 14-0 overall for its second perfect season in the last three years, went 7-0 in the Gulf South Conference for a third straight league title, and dominated four NCAA playoff opponents 138-49, to capture the national championship title for a third straight year in front of a sell-out crowd and a national television audience on ESPN; and

WHEREAS, the 1995 championship season represented the culmination of an impressive list of achievements for the University of North Alabama over the past 3 years, namely:

UNA as the first school in the history of NCAA scholarship football (Division I, I-AA, II) to win three consecutive national championships;

UNA as the first school in the history of collegiate football on any level to win 40 games in just three seasons (41-1 from 1993-95);

UNA's current 23-game winning streak as second best in the nation behind only Nebraska's 25;

UNA's Purple Swarm defense leading Division II in rushing defense and scoring defense;

Current UNA streaks including 41 consecutive wins against NCAA Division II opponents and 27 consecutive No. 1 rankings in the NCAA Division II poll; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend and congratulate Scott Basden of the University of North Alabama 1995 Football Team for his contribution to the success of the 1995 season, and do further direct that a copy of this resolution be provided for appropriate presentation and display.

On motion of Representative Parker (P), the rules were suspended and the resolution, H.J.R. 51, was adopted.

Also:

By Representative Hamilton:

H.J.R. 52. COMMENDING CODY GROSS OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Cody Gross, Quarterback for the University of North Alabama's 1995 Football Team that went 14-0 overall for its second perfect season in the last three years, went 7-0 in the Gulf South Conference for a third straight league title, and dominated four NCAA playoff opponents 138-49, to capture the national championship title for a third straight year in front of a sell-out crowd and a national television audience on ESPN; and

WHEREAS, the 1995 championship season represented the culmination of an impressive list of achievements for the University of North Alabama over the past 3 years, namely:

UNA as the first school in the history of NCAA scholarship football (Division I, I-AA, II) to win three consecutive national championships;

UNA as the first school in the history of collegiate football on any level to win 40 games in just three seasons (41-1 from 1993-95);

UNA's current 23-game winning streak as second best in the nation behind only Nebraska's 25;

UNA's Purple Swarm defense leading Division II in rushing defense and scoring defense;

Current UNA streaks including 41 consecutive wins against NCAA Division II opponents and 27 consecutive No. 1 rankings in the NCAA Division II poll; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend and congratulate Cody Gross of the University of North Alabama 1995 Football Team for his contribution to the success of the 1995 season, and do further direct that a copy of this resolution be provided for appropriate presentation and display.

On motion of Representative Hamilton, the rules were suspended and the resolution, H.J.R. 52, was adopted.

Also:

By Representative Hamilton:

H.J.R. 53. COMMENDING MICHAEL WILLIAMS OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Michael Williams, Offensive Tackle for the University of North Alabama's 1995 Football Team that went 14-0 overall for its second perfect season in the last three years, went 7-0 in the Gulf South Conference for a third straight league title, and dominated four NCAA playoff opponents 138-49, to capture the national championship title for a third straight year in front of a sell-out crowd and a national television audience on ESPN; and

WHEREAS, the 1995 championship season represented the culmination of an impressive list of achievements for the University of North Alabama over the past 3 years, namely:

UNA as the first school in the history of NCAA scholarship football (Division I, I-AA, II) to win three consecutive national championships;

UNA as the first school in the history of collegiate football on any level to win 40 games in just three seasons (41-1 from 1993-95);

UNA's current 23-game winning streak as second best in the nation behind only Nebraska's 25;

UNA's Purple Swarm defense leading Division II in rushing defense and scoring defense;

Current UNA streaks including 41 consecutive wins against NCAA Division II opponents and 27 consecutive No. 1 rankings in the NCAA Division II poll; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend and congratulate Michael Williams of the University of North Alabama 1995 Football Team for his contribution to the success of the 1995 season, and do further direct that a copy of this resolution be provided for appropriate presentation and display.

On motion of Representative Hamilton, the rules were suspended and the resolution, H.J.R. 53, was adopted.

Also:

By Representative Carter:

H.J.R. 54. COMMENDING JOHN WITT OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, John Witt, Defensive Back for the University of North Alabama's 1995 Football Team that went 14-0 overall for its second perfect season in the last three years, went 7-0 in the Gulf South Conference for a third straight league title, and dominated four NCAA playoff opponents 138-49, to capture the national championship title for a third straight year in front of a sell-out crowd and a national television audience on ESPN; and

WHEREAS, the 1995 championship season represented the culmination of an impressive list of achievements for the University of North Alabama over the past 3 years, namely:

UNA as the first school in the history of NCAA scholarship football (Division I, I-AA, II) to win three consecutive national championships;

UNA as the first school in the history of collegiate football on any level to win 40 games in just three seasons (41-1 from 1993-95);

UNA's current 23-game winning streak as second best in the nation behind only Nebraska's 25;

UNA's Purple Swarm defense leading Division II in rushing defense and scoring defense;

Current UNA streaks including 41 consecutive wins against NCAA Division II opponents and 27 consecutive No. 1 rankings in the NCAA Division II poll; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend and congratulate John Witt of the University of North Alabama 1995 Football Team for his contribution to the success of the 1995 season, and do further direct that a copy of this resolution be provided for appropriate presentation and display.

On motion of Representative Carter, the rules were suspended and the resolution, H.J.R. 54, was adopted.

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Also:

By Representative Black (M):

H.J.R. 55. COMMENDING JARIUS HAYES OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Jarius Hayes, Tight End for the University of North Alabama's 1995 Football Team that went 14-0 overall for its second perfect season in the last three years, went 7-0 in the Gulf South Conference for a third straight league title, and dominated four NCAA playoff opponents 138-49, to capture the national championship title for a third straight year in front of a sell-out crowd and a national television audience on ESPN; and

WHEREAS, the 1995 championship season represented the culmination of an impressive list of achievements for the University of North Alabama over the past 3 years, namely:

UNA as the first school in the history of NCAA scholarship football (Division I, I-AA, II) to win three consecutive national championships;

UNA as the first school in the history of collegiate football on any level to win 40 games in just three seasons (41-1 from 1993-95);

UNA's current 23-game winning streak as second best in the nation behind only Nebraska's 25;

UNA's Purple Swarm defense leading Division II in rushing defense and scoring defense;

Current UNA streaks including 41 consecutive wins against NCAA Division II opponents and 27 consecutive No. 1 rankings in the NCAA Division II poll; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend and congratulate Jarius Hayes of the University of North Alabama 1995 Football Team for his contribution to the success of the 1995 season, and do further direct that a copy of this resolution be provided for appropriate presentation and display.

On motion of Representative Black (M), the rules were suspended and the resolution, H.J.R. 55, was adopted.

Also:

By Representative Black (M):

H.J.R. 56. COMMENDING CHRIS THORNTON OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Chris Thornton, Kicker for the University of North Alabama's 1995 Football Team that went 14-0 overall for its second perfect season in the last three years, went 7-0 in the Gulf South Conference for a third straight league title, and dominated four NCAA playoff opponents 138-49, to capture the national championship title for a third straight year in front of a sell-out crowd and a national television audience on ESPN; and

WHEREAS, the 1995 championship season represented the culmination of an impressive list of achievements for the University of North Alabama over the past 3 years, namely:

UNA as the first school in the history of NCAA scholarship football (Division I, I-AA, II) to win three consecutive national championships;

UNA as the first school in the history of collegiate football on any level to win 40 games in just three seasons (41-1 from 1993-95);

UNA's current 23-game winning streak as second best in the nation behind only Nebraska's 25;

UNA's Purple Swarm defense leading Division II in rushing defense and scoring defense;

Current UNA streaks including 41 consecutive wins against NCAA Division II opponents and 27 consecutive No. 1 rankings in the NCAA Division II poll; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend and congratulate Chris Thornton of the University of North Alabama 1995 Football Team for his contribution to the success of the 1995 season, and do further direct that a copy of this resolution be provided for appropriate presentation and display.

On motion of Representative Black (M), the rules were suspended and the resolution, H.J.R. 56, was adopted.

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Also:

By Representative Black (M):

H.J.R. 57. COMMENDING JON THOMPSON OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Jon Thompson, Offensive Guard for the University of North Alabama's 1995 Football Team that went 14-0 overall for its second perfect season in the last three years, went 7-0 in the Gulf South Conference for a third straight league title, and dominated four NCAA playoff opponents 138-49, to capture the national championship title for a third straight year in front of a sell-out crowd and a national television audience on ESPN; and

WHEREAS, the 1995 championship season represented the culmination of an impressive list of achievements for the University of North Alabama over the past 3 years, namely:

UNA as the first school in the history of NCAA scholarship football (Division I, I-AA, II) to win three consecutive national championships;

UNA as the first school in the history of collegiate football on any level to win 40 games in just three seasons (41-1 from 1993-95);

UNA's current 23-game winning streak as second best in the nation behind only Nebraska's 25;

UNA's Purple Swarm defense leading Division II in rushing defense and scoring defense;

Current UNA streaks including 41 consecutive wins against NCAA Division II opponents and 27 consecutive No. 1 rankings in the NCAA Division II poll; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend and congratulate Jon Thompson of the University of North Alabama 1995 Football Team for his contribution to the success of the 1995 season, and do further direct that a copy of this resolution be provided for appropriate presentation and display.

On motion of Representative Black (M), the rules were suspended and the resolution, H.J.R. 57, was adopted.

Also:

By Representative Hinshaw:

H.J.R. 58. COMMENDING KEITH HUMPHREY OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Keith Humphrey, Linebacker for the University of North Alabama's 1995 Football Team that went 14-0 overall for its second perfect season in the last three years, went 7-0 in the Gulf South Conference for a third straight league title, and dominated four NCAA playoff opponents 138-49, to capture the national championship title for a third straight year in front of a sell-out crowd and a national television audience on ESPN; and

WHEREAS, the 1995 championship season represented the culmination of an impressive list of achievements for the University of North Alabama over the past 3 years, namely:

UNA as the first school in the history of NCAA scholarship football (Division I, I-AA, II) to win three consecutive national championships;

UNA as the first school in the history of collegiate football on any level to win 40 games in just three seasons (41-1 from 1993-95);

UNA's current 23-game winning streak as second best in the nation behind only Nebraska's 25;

UNA'S purple swarm defense leading Division II in rushing defense and scoring defense;

Current UNA streaks including 41 consecutive wins against NCAA Division II opponents and 27 consecutive No. 1 rankings in the NCAA Division II poll; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend and congratulate Keith Humphrey of the University of North Alabama 1995 Football Team for his contribution to the success of the 1995 season, and do further direct that a copy of this resolution be provided for appropriate presentation and display.

On motion of Representative Hinshaw, the rules were suspended and the resolution, H.J.R. 58, was adopted.

Also:

By Representative Hinshaw:

H.J.R. 59. COMMENDING ISRAEL RAYBON OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Israel Raybon, Defensive Tackle for the University of North Alabama's 1995 Football Team that went 14-0 overall for its second perfect season in the last three years, went 7-0 in the Gulf South Conference for a third straight league title, and dominated four NCAA playoff opponents 138-49, to capture the national championship title for a third straight year in front of a sell-out crowd and a national television audience on ESPN; and

WHEREAS, the 1995 championship season represented the culmination of an impressive list of achievements for the University of North Alabama over the past 3 years, namely:

UNA as the first school in the history of NCAA scholarship football (Division I, I-AA, II) to win three consecutive national championships;

UNA as the first school in the history of collegiate football on any level to win 40 games in just three seasons (41-1 from 1993-95);

UNA's current 23-game winning streak as second best in the nation behind only Nebraska's 25;

UNA's Purple Swarm defense leading Division II in rushing defense and scoring defense;

Current UNA streaks including 41 consecutive wins against NCAA Division II opponents and 27 consecutive No. 1 rankings in the NCAA Division II poll; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend and congratulate Israel Raybon of the University of North Alabama 1995 Football Team for his contribution to the success of the 1995 season, and do further direct that a copy of this resolution be provided for appropriate presentation and display.

On motion of Representative Hinshaw, the rules were suspended and the resolution, H.J.R. 59, was adopted.

Also:

By Representative Moore:

H.J.R. 60. COMMENDING RONALD MCKINNON OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Ronald McKinnon, Linebacker for the University of North Alabama's 1995 Football Team that went 14-0 overall for its second perfect season in the last three years, went 7-0 in the Gulf South Conference for a third straight league title, and dominated four NCAA playoff opponents 138-49, to capture the national championship title for a third straight year in front of a sell-out crowd and a national television audience on ESPN; and

WHEREAS, the 1995 championship season represented the culmination of an impressive list of achievements for the University of North Alabama over the past 3 years, namely:

UNA as the first school in the history of NCAA scholarship football (Division I, I-AA, II) to win three consecutive national championships;

UNA as the first school in the history of collegiate football on any level to win 40 games in just three seasons (41-1 from 1993-95);

UNA's current 23-game winning streak as second best in the nation behind only Nebraska's 25;

UNA's Purple Swarm defense leading Division II in rushing defense and scoring defense;

Current UNA streaks including 41 consecutive wins against NCAA Division II opponents and 27 consecutive No. 1 rankings in the NCAA Division II poll; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend and congratulate Ronald McKinnon of the University of North Alabama 1995 Football Team for his contribution to the success of the 1995 season, and do further direct that a copy of this resolution be provided for appropriate presentation and display.

On motion of Representative Moore, the rules were suspended and the resolution, H.J.R. 60, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Denton, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 3. COMMENDING CHARLES DUCKWORTH OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

By Senators Denton, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 4. COMMENDING JOSH EADS OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

By Senators Denton, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 5. COMMENDING WILLIE JONES OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

By Senators Denton, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 6. COMMENDING MARCUS KEYES OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Starkey, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 3, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Starkey, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 4, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Starkey, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 5, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Starkey, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 6, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Denton, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 7. COMMENDING JASON SMITH OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

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Also:

By Senators Denton, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 8. COMMENDING NATE GEORGE OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

By Senators Dixon, Mitchell, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 9. MOURNING THE DEATH OF THOMAS HAROLD ESPY, JR., OF MONTGOMERY, ALABAMA.

Also:

By Senator Dixon:

S.J.R. 10. COMMENDING CHARLES MCDONALD FOR 25 YEARS OF OUTSTANDING SERVICE WITH THE ALABAMA RETAIL ASSOCIATION.

Also:

By Senator Figures:

S.J.R. 11. COMMENDING MICHAEL JOHN HERING FOR OUTSTANDING COURAGE IN HIS HEROIC RESCUE OF HIS COUSIN AND GRANDMOTHER.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Starkey, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 7, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Starkey, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 8, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Starkey, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 9, the title of which is set out in the foregoing Message from the Senate.

Also:

The resolution, S.J.R. 10, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 11, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Mitchell:

S.J.R. 1 . COMMITTEE APPOINTED TO NOTIFY GOVERNOR THAT LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate to notify the Governor, Senators Little, Smitherman, and Poole.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Hammett, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 1, set out in the foregoing Message from the Senate.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives Wren, Clouse and Papucci.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Mitchell:

S.J.R. 2 . COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That when the two houses recess Tuesday, February 6, 1996, in the Alabama State House that the two houses convene again at 6:15 P.M. on February 6, 1996, in the House of Representatives Chamber on the second floor of the Alabama State Capitol, 600 Dexter Avenue, in a joint session for the purpose of hearing the message of the Honorable Fob James, Jr., Governor of Alabama, at 6:30 P.M.

AND BE IT FURTHER RESOLVED, That a committee of three from the Senate, to be named by the Presiding Officer of the Senate, and three from the House, to be named by the Speaker of the House, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said committee also serve as a committee to escort the Governor to the House for the joint session.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate to escort the Governor, Senators Amari, Adams, and Steele.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Hammett, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 2, set out in the foregoing Message from the Senate.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives Wren, Clouse and Papucci.

RESOLUTIONS

The following resolutions were introduced:

By Representatives Burke, Galliher, Page and Ford:

H.J.R. 61. COMMENDING MIKE HOOKS ON THE ANNIVERSARY OF HIS 20TH YEAR IN RADIO MINISTRY.

WHEREAS, Mike Hooks, who is a resident of Gadsden, Alabama, and 42-year-old DJ for WJBY 930 AM radio, is indeed deserving of highest praise for his outstanding Christian leadership in radio ministry with the same station for the past 20 years; and

WHEREAS, a devoted and obedient servant of God whose life and deeds are a testimony to his deep and abiding faith, Mike Hooks works with prisoners in 11 sites through Living Word Care Ministry, the Coalition of Prison Evangelists, and nursing homes; and

WHEREAS, since his radio ministry began in 1975, he has seen many changes in Christian radio music, including networks playing Christian music in prime time, and programs reaching a broad audience; and

WHEREAS, WJBY radio listeners have benefitted greatly from his boundless amount of energy, warmth and friendship, and his myriad of Christian service programs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Mike Hooks for his supreme gift of Christian service to others, and for the joy he has shared with radio audiences for the past 20 years.

BE IT FURTHER RESOLVED, That he is hereby presented a copy of this resolution, and blessed with many more years in the radio ministry.

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On motion of Representative Burke, the rules were suspended and the resolution, H.J.R. 61, was adopted.

Also:

By Representative Smith:

H.J.R. 62. COMMENDING JEFF DANSBY AS EMERGENCY MEDICAL TECHNICIAN OF THE YEAR IN CHILTON COUNTY.

WHEREAS, Jeff Dansby is being commended and praised in recognition of his supreme gift of service as 1995 Emergency Medical Technician of the Year in Chilton County; and

WHEREAS, Mr. Dansby was honored on December 11, 1995, at an annual event sponsored by Birmingham Regional Emergency Medical Services System (BREMSS) which brings members of the Emergency Medical Services Community in Blount, Jefferson, Shelby, St. Clair, Walker and Chilton Counties together and recognizes individuals who have made outstanding contributions to emergency medical services; and

WHEREAS, Mr. Dansby has earned the respect and admiration of the citizens of his community as a paramedic/firefighter, Assistant Chief with the Collins Chapel Volunteer Fire and Rescue Department, and as a paramedic with the Vaughan Chilton Medical Center EMS; and

WHEREAS, Jeff Dansby has brought to Chilton County an unprecedented level of efficiency, professionalism, and stability as a licensed paramedic, and member of the National Registry of EMTs, and is also certified in Advanced Cardiac Life Support, Basic Trauma Life Support, and Pediatric Advanced Life Support; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is with great pleasure that Mr. Dansby, who indeed serves as a worthy role model in his community, be recognized and honored for his outstanding achievements in emergency medical services, and that a copy of this resolution be provided as an expression of our tribute and esteem.

On motion of Representative Smith, the rules were suspended and the resolution, H.J.R. 62, was adopted.

Also:

By Representative Smith:

H.J.R. 63. COMMENDING ROBERT THOMAS JANNEY ON OBTAINING THE RANK OF EAGLE SCOUT.

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WHEREAS, Robert Thomas Janney of Troop 74, Thorsby, Alabama, and the son of Robert and Betty Janney, has successfully completed the requirements for the prestigious rank of Eagle Scout, scouting's highest honor, and was recognized at a Court of Honor led by his Scoutmaster, Jerry Davis, on May 17, 1995, at Rocky Mountain Methodist Church in Jemison, Alabama; and

WHEREAS, Robert Thomas, age 16, has provided exemplary service to Troop 74 and the community, and holds the distinction of being the first Eagle Scout in the town of Thorsby, Alabama, to receive this outstanding award; and

WHEREAS, Robert Thomas, who has served as a worthy role model for all scouts, has attained a perfect five-year attendance pin, and has received over 37 merit badges, earning him the Silver Palm Honor; and

WHEREAS, Robert Thomas Janney has developed leadership ability, and earned the esteem of his community and his fellow scouts, and his scouting achievements reflect the highest ideals of American youth; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Robert Thomas Janney, grandson of Mr. and Mrs. T. O. Newman, and Mrs. Betty Janney, and great grandson of Mrs. Mable Bennett, be congratulated on his achievement of the rank of Eagle Scout, and commended for his outstanding attainment in qualifying for this high honor.

BE IT FURTHER RESOLVED, That he receive a copy of this resolution of highest commendation, tribute, and esteem.

On motion of Representative Smith, the rules were suspended and the resolution, H.J.R. 63, was adopted.

Also:

By Representative Smith:

H.J.R. 64. COMMENDING MR. WILLIAM DENNIS (BILL) LATHAM OF CLANTON, ALABAMA.

WHEREAS, it is with a sense of great pride and deep admiration that the Legislature of Alabama notes the recent selection of Mr. William Dennis (Bill) Latham as the Chilton County Chamber of Commerce's 1995 Citizen of the Year; and

WHEREAS, Mr. Latham, a practicing attorney in Clanton, received this prestigious award at the Chamber's annual membership banquet held on January 2, 1996; and

WHEREAS, Bill Latham has contributed immeasurably to the enrichment of the social, cultural, and economic lives of his community; and

WHEREAS, throughout his life, he has exhibited those admirable attributes of friendliness, devotion to duty, and concern for others, and he has gained the respect and affection of all who know him, whether friend or mere acquaintance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Mr. William Dennis Latham of Clanton, Alabama, upon his selection as 1995 Citizen of the Year by the Chilton County Chamber of Commerce, and direct that a copy of this resolution be presented to him as evidence of our deep appreciation and warmest personal regard.

On motion of Representative Smith, the rules were suspended and the resolution, H.J.R. 64, was adopted.

Also:

By Representatives Sanderson, Robinson, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.J.R. 65. COMMENDING REPRESENTATIVE JOHN KNIGHT FOR CHAIRING THE JOINT INTERIM LEGISLATIVE COMMITTEE TO INVESTIGATE TAX AUDITS OF THE DEPARTMENT OF REVENUE.

WHEREAS, Representative John Knight is to be commended for the outstanding leadership he demonstrated as Chair of the Joint Interim Legislative Committee to Investigate Tax Audits of the Department of Revenue; and

WHEREAS, Representative Knight conducted the meetings and public hearings of the committee with the utmost determination, patience, and sense of fairness and equity; and

WHEREAS, even though the issues before the committee were hotly debated and politically charged, Representative Knight transacted the business of the committee in a calm, competent, and impartial manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend our friend and colleague, Representative John Knight for his exemplary leadership of the Joint Interim Committee to Investigate Tax Audits of the Department of Revenue.

RESOLVED FURTHER, That a copy of this resolution be presented to Representative Knight as an expression of our sincere appreciation.

On motion of Representative Sanderson, the rules were suspended and the resolution, H.J.R. 65, was adopted.

Also:

By Representative Morrow:

H.J.R. 66. COMMENDING CALE MANLEY OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Cale Manley, Quarterback for the University of North Alabama's 1995 Football Team that went 14-0 overall for its second perfect season in the last three years, went 7-0 in the Gulf South Conference for a third straight league title, and dominated four NCAA playoff opponents 138-49, to capture the national championship title for a third straight year in front of a sell-out crowd and a national television audience on ESPN; and

WHEREAS, the 1995 championship season represented the culmination of an impressive list of achievements for the University of North Alabama over the past 3 years, namely:

UNA as the first school in the history of NCAA scholarship football (Division I, I-AA, II) to win three consecutive national championships;

UNA as the first school in the history of collegiate football on any level to win 40 games in just three seasons (41-1 from 1993-95);

UNA's current 23-game winning streak as second best in the nation behind only Nebraska's 25;

UNA's Purple Swarm defense leading Division II in rushing defense and scoring defense;

Current UNA streaks including 41 consecutive wins against NCAA Division II opponents and 27 consecutive No. 1 rankings in the NCAA Division II poll; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend and congratulate Cale Manley of the University of North Alabama 1995 Football Team for his contribution to the success of the 1995 season, and do further direct that a copy of this resolution be provided for appropriate presentation and display.

On motion of Representative Morrow, the rules were suspended and the resolution, H.J.R. 66, was adopted.

Also:

By Representatives Jorgensen and Thomas (D):

H.R. 67. URGING THE STATE BOARD OF EDUCATION IN COOPERATION WITH THE DEPARTMENT OF CORRECTIONS TO LIMIT INSTRUCTION AT STATE CORRECTIONAL INSTITUTIONS TO TRADE AND VOCATIONAL COURSES.

The resolution, H.R. 67, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 9. RELATIVE TO MEETING DAYS.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Hammett, the House concurred in and adopted the Senate amendment to the resolution, H.J.R. 9, said Senate amendment being as follows:

RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn Tuesday, February 6, 1996, they adjourn to meet again on Thursday, February 8, 1996, and when

they adjourn on Thursday, February 8, 1996, they adjourn to meet again on Wednesday, February 21, 1996, and when they adjourn on Wednesday, February 21, 1996, they adjourn to meet again on Thursday, February 22, 1996, and when they adjourn on Thursday, February 22, 1996, they adjourn to meet again on Tuesday, February 27, 1996, and when they adjourn on Tuesday, February 27, 1996, they adjourn to meet again on Thursday, February 29, 1996, and when they adjourn on Thursday, February 29, 1996, they adjourn to meet again on Tuesday, March 5, 1996, and when they adjourn on Tuesday, March 5, 1996, they adjourn to meet again on Wednesday, March 6, 1996, and when they adjourn on Wednesday, March 6, 1996, they adjourn to meet again on Thursday, March 7, 1996, and when they adjourn on Thursday, March 7, 1996, they adjourn to meet again on Tuesday, March 12, 1996, and when they adjourn on Tuesday, March 12, 1996, they adjourn to meet again on Thursday, March 14, 1996, and when they adjourn on Thursday, March 14, 1996, they adjourn to meet again on Tuesday, March 19, 1996, and when they adjourn on Tuesday, March 19, 1996, they adjourn to meet again on Wednesday, March 20, 1996, and when they adjourn on Wednesday, March 20, 1996, they adjourn to meet again on Thursday, March 21, 1996, and when they adjourn on Thursday, March 21, 1996, they adjourn to meet again on Tuesday, April 2, 1996, and when they adjourn on Tuesday, April 2, 1996, they adjourn to meet again on Wednesday, April 3, 1996, and when they adjourn on Wednesday, April 3, 1996, they adjourn to meet again on Thursday, April 4, 1996, and when they adjourn on Thursday, April 4, 1996, they adjourn to meet again on Tuesday, April 9, 1996, and when they adjourn on Tuesday, April 9, 1996, they adjourn to meet again on Thursday, April 11, 1996, and when they adjourn on Thursday, April 11, 1996, they adjourn to meet again on Tuesday, April 16, 1996, and when they adjourn on Tuesday, April 16, 1996, they adjourn to meet again on Thursday, April 18, 1996, and when they adjourn on Thursday, April 18, 1996, they adjourn to meet again on Tuesday, April 23, 1996, and when they adjourn on Tuesday, April 23, 1996, they adjourn to meet again on Wednesday, April 24, 1996, and when they adjourn on Wednesday, April 24, 1996, they adjourn to meet again on Thursday, April 25, 1996, and when they adjourn on Thursday, April 25, 1996, they adjourn to meet again on Tuesday, April 30, 1996, and when they adjourn on Tuesday, April 30, 1996, they adjourn to meet again on Thursday, May 2, 1996, and when they adjourn on Thursday, May 2, 1996, they adjourn to meet again on Tuesday, May 7, 1996, and when they adjourn on Tuesday, May 7, 1996, they adjourn to meet again on Wednesday, May 8, 1996, and when they adjourn on Wednesday, May 8, 1996, they adjourn to meet again on Thursday, May 9, 1996, and when they adjourn on Thursday, May 9, 1996, they adjourn to meet again on Monday, May 20, 1996, and when they adjourn on Monday, May 20, 1996, they adjourn sine die.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 2:00 o'clock p.m. on Wednesday, February 21, 1996, and the motion was adopted.

RESOLUTIONS

The following resolutions were introduced:

By Representative Fuller:

H.J.R. 68. INVITING THE CHIEF JUSTICE OF THE ALABAMA SUPREME COURT TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

WHEREAS, it is the desire of the Legislature of the State of Alabama to hear from the Chief Justice of the Supreme Court of Alabama concerning the state of the Judiciary in the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Chief Justice of the Alabama Supreme Court is invited on an annual basis, beginning in 1996, to address a joint session of the Legislature of Alabama on the state of the Judiciary in the State of Alabama and that the invitation may be extended annually by the Speaker of the House of Representatives and the Presiding Officer of the Senate.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Chief Justice of the Alabama Supreme Court.

On motion of Representative Fuller, the rules were suspended and the resolution, H.J.R. 68, was adopted.

Also:

By Representative Fuller:

H.J.R. 69. CREATING AN INTERIM JOINT LEGISLATIVE COMMITTEE TO STUDY FEDERAL BLOCK GRANTS.

WHEREAS, the President and the Congress of the United States have proposed a series of block grants and program reforms in the areas of health and social services, agriculture and economic development; and

WHEREAS, to date, many of these grants and programs have not received final approval from either the President or the Congress; and

WHEREAS, these proposed block grants and program reforms could affect a substantial number of Alabama's citizens; and

WHEREAS, the Legislature believes that there needs to be an efficient, well prepared and coordinated effort among the Legislature, the Governor and affected agencies and constituencies; and

WHEREAS, time is of the essence in bringing forth this successful effort; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of three members of each house to be appointed by the presiding officer of each house. The chair and vice chair of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets concerning the acquisition, maintenance, allocation, and the structure of service delivery associated with federal block grants and major program reforms proposed by the President and Congress. In its study of these federal proposals, the committee shall call upon affected state agencies for information related to the charge of the committee. The committee is also authorized to hear testimony from constituent groups most affected by the proposed changes in federal programs. The committee may call upon the Legislative Reference Service and the Legislative Fiscal Office to assist in the discharge of its duties.

BE IT FURTHER RESOLVED, That upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the Legislature by the twentieth legislative day of the 1997 Regular Session. Unless continued by a joint resolution, the committee shall dissolve at that time. Each member of the committee shall be entitled to his or her regular legislative compensation, per diem and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chair; provided, however, members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total of such expenses shall not exceed \$10,000.

On motion of Representative Fuller, the rules were suspended and the resolution, H.J.R. 69, was adopted.

RECESS

On motion of Representative Carter, the House recessed for five minutes.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate to notify the Governor, Senators Little, Smitherman, and Poole.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 3. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF LEGISLATURE.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate to escort the Governor, Senators Amari, Adams, and Steele.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 4. COMMENDING JOHNSTON INDUSTRIES AS RECIPIENT OF AMERICA'S TEXTILES INTERNATIONAL AWARD FOR INNOVATION.

Also:

H.J.R. 6. COMMENDING GERALD B. ANDREWS AS RECIPIENT OF THE 1995 TEXTILE LEADER OF THE YEAR.

Also:

H.J.R. 8. DESIGNATING FEBRUARY 16, 1996, AS "SEE THE GOOD FOUNDATION DAY."

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 5. COMMENDING WELLINGTON SEARS COMPANY AS RECIPIENT OF AMERICA'S TEXTILES INTERNATIONAL AWARD FOR INNOVATION.

Also:

H.J.R. 7. COMMENDING TIM COE FOR HIS OUTSTANDING SERVICE AS 50TH PRESIDENT OF THE ALABAMA CATTLEMEN'S ASSOCIATION.

McDOWELL LEE
Secretary

RESOLUTIONS

The following resolution was introduced:

By Representatives Carter, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.J.R. 70. COMMENDING THE ALABAMA FEDERATION OF WOMEN'S CLUBS FOR 100 YEARS OF SERVICE TO ALABAMA CITIZENS.

WHEREAS, it is with inordinate pride and pleasure that the Alabama Legislature recognizes the Alabama Federation of Women's Clubs for its 100 years of exemplary service to the State of Alabama; and

WHEREAS, in honor of this volunteer organization of business owners, teachers, elected officials, homemakers, corporate executives, and retirees, Governor Fob James, Jr., signed a proclamation stating that April 17, 1995, was Alabama Federation of Women's Clubs Day; and

WHEREAS, demonstrating outstanding dedication and ability as public servants for the citizens of the state, the AFWC has emphasized Home Life, along with projects to include the Children's Hospital of Alabama in Birmingham, the distribution of "Please Be Seated" Child Safety Seat Report Forms, and Bicycle Helmet Safety; and

WHEREAS, with 4,000 members in the AFWC, the number of civic endeavors in which they have participated are incalculable, and include such service as establishment of 75% of the State Public Libraries, contribution of funds for Cancer Research, Preservation of Historical Homes, scholarship programs for Miss Alabama, legislative support for Child Labor Laws and Pure Food and Drug Act, and the promotion of programs for Adult Literacy and the Alabama Association of Retarded Citizens; and

WHEREAS, celebrating its centennial during 1995 and 1996, the Alabama Federation of Women's Clubs has worked with tireless devotion and established an unparalleled record of leadership and involvement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to outstanding and selfless service to our state, highest commendation is hereby bestowed upon the Alabama Federation of Women's Clubs, for whom a copy of this resolution shall be provided.

On motion of Representative Carter, the rules were suspended and the resolution, H.J.R. 70, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Hinshaw:

H.R. 71. COMMENDING THE RIVERTON MIDDLE SCHOOL GIRLS' BASKETBALL TEAM ON THEIR OUTSTANDING ACHIEVEMENTS.

Also:

By Representatives Hinshaw and Hall (A):

H.R. 72. COMMENDING JERRY TAYLOR ON HIS 700TH GAME WIN.

Also:

By Representative Hammett:

H.R. 73. COMMENDING LOUIS BERRY OF ANDALUSIA, ALABAMA, FOR OUTSTANDING SERVICE TO PUBLIC EDUCATION.

Also:

By Representative Johnson (E):

H.R. 74. MOURNING THE DEATH OF WILLIAM WASH GARDNER, SR.

Also:

By Representative Crigler:

H.R. 75. MOURNING THE DEATH OF CHARLES EDGAR HARPER OF POWDER SPRINGS, GEORGIA.

Also:

The following resolutions were introduced:

By Representative Millican:

H.J.R. 76. COMMENDING JERRY BROWN--A NINTH GENERATION FOLK POTTER.

The resolution, H.J.R. 76, was read and referred to the Standing Committee on Rules.

Also:

By Representative Rogers (M):

H.J.R. 77. COMMENDING THE SAKS HIGH SCHOOL GIRLS' VOLLEYBALL TEAM ON WINNING THE 1995 CLASS 5A STATE CHAMPIONSHIP.

The resolution, H.J.R. 77, was read and referred to the Standing Committee on Rules.

Also:

By Representative Thomas (D):

H.R. 78. URGING THE UNIVERSITY OF ALABAMA ADMINISTRATORS TO NOT SUPPORT ANY FUNCTION OR ACTIVITY THAT PROMOTES LIFESTYLES OR ACTIVITIES PROHIBITED BY SODOMY AND SEXUAL MISCONDUCT LAWS.

The resolution, H.R. 78, was read and referred to the Standing Committee on Rules.

Also:

By Representative Thomas (D):

H.R. 79. SUPPORTING THE GADSDEN BOARD OF EDUCATION RESOLUTION CRITICIZING THE NATIONAL EDUCATION ASSOCIATIONS' SUPPORT OF A GAY AND LESBIAN HISTORY MONTH.

The resolution, H.R. 79, was read and referred to the Standing Committee on Rules.

Also:

By Representative Thomas (D):

H.R. 80. URGING THE PRESIDENT TO RETAIN COMMAND OF U.S. MILITARY PERSONNEL UNDER UNITED NATIONS OPERATIONS.

The resolution, H.R. 80, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Thomas (D) and Galliher:

H.J.R. 81. NAMING THE "EDDIE MARTIN PARKWAY" IN ST. CLAIR COUNTY, ALABAMA.

The resolution, H.J.R. 81, was read and referred to the Standing Committee on Rules.

Also:

By Representative Morrison:

H.J.R. 82. URGING THE STATE OF ALABAMA TO ENFORCE ITS PROMPT PAYMENT STATUTE.

The resolution, H.J.R. 82, was read and referred to the Standing Committee on Rules.

Also:

By Representative Boyd:

H.J.R. 83. AMENDING ACT 95-475, HJR 400, WHICH CREATED THE FORT MCCLELLAN JOINT INTERIM COMMITTEE TO STUDY FUTURE USES FOR FORT MCCLELLAN.

The resolution, H.J.R. 83, was read and referred to the Standing Committee on Rules.

Also:

By Representative Clouse:

H.J.R. 84. CONGRATULATING THE DALEVILLE HIGH SCHOOL JROTC WARHAWK RIFLE TEAM ON ITS STATE CHAMPIONSHIP.

The resolution, H.J.R. 84, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 19. COMMENDING AL JACKSON OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 20. MOURNING THE DEATH OF RICHARD T. DORSEY OF PRATTVILLE, ALABAMA.

Also:

H.J.R. 25. COMMENDING THOMAS J. BRYAN UPON HIS INDUCTION INTO THE 1996 WIREGRASS SPORTS HALL OF FAME.

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Also:

H.J.R. 26. COMMENDING CHARLES B. COLE UPON HIS INDUCTION INTO THE 1996 WIREGRASS SPORTS HALL OF FAME.

Also:

H.J.R. 27. COMMENDING JOE ED KIRKLAND UPON HIS INDUCTION INTO THE 1996 WIREGRASS SPORTS HALL OF FAME.

Also:

H.J.R. 28. COMMENDING BETTY MIXON UPON HER INDUCTION INTO THE 1996 WIREGRASS HALL OF FAME.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 22. RECOGNIZING MIDLAND CITY BAPTIST CHURCH ON ITS FIRST 100 YEARS OF CHRISTIAN SERVICE.

Also:

H.J.R. 23. COMMENDING DOUG BRADFORD UPON HIS INDUCTION INTO THE 1996 WIREGRASS SPORTS HALL OF FAME.

Also:

H.J.R. 24. COMMENDING COACH MICKEY ANDREWS UPON HIS INDUCTION INTO THE 1996 WIREGRASS SPORTS HALL OF FAME.

Also:

H.J.R. 32. SUSTAINING THE DISAPPROVAL BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW OF THE PROPOSED REPEAL BY THE STATE REVENUE DEPARTMENT OF RULE NO. 810-2-3.03, ENTITLED "EXCLUSION OF INVESTMENT IN SUBSIDIARIES."

Also:

H.J.R. 39. SUSTAINING THE DISAPPROVAL BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW OF THE ALABAMA STATE BOARD OF CHIROPRACTIC EXAMINERS PROPOSED AMENDMENT OF RULE NO. 190-X-2-.01, ENTITLED "GRADUATION FROM APPROVED COLLEGE REQUIRED."

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 35. MOURNING THE DEATH OF WILLARD WILKINS.

Also:

H.J.R. 36. CONGRATULATING THE CORDOVA BLUE DEVILS ON THEIR STATE 3-A FOOTBALL CHAMPIONSHIP.

Also:

H.J.R. 37. COMMENDING DEAN PARHAM H. WILLIAMS, JR., FOR OUTSTANDING SERVICE AS VICE PRESIDENT AND DEAN OF CUMBERLAND SCHOOL OF LAW, SAMFORD UNIVERSITY.

Also:

H.J.R. 38. MOURNING THE DEATH OF ALICE KAY WILSON OF JASPER, ALABAMA.

Also:

H.J.R. 44. COMMENDING SAM GRAHAM OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 45. COMMENDING A. J. LAMAR OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

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Also:

H.J.R. 46. COMMENDING THOMAS MOORE OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 50. HONORING THE REVEREND MICHAEL E. JACKSON AS PASTOR OF AIMWELL MISSIONARY BAPTIST CHURCH.

**McDOWELL LEE
Secretary**

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative McKee:

H. 190. To amend Section 8-19-12, Code of Alabama 1975, the Deceptive Trade Practices Act, to provide for enhanced criminal penalties upon subsequent violations of the act.

COMMITTEE ON BUSINESS AND LABOR

By Representatives McKee, Sanderford, and Maul:

H. 191. To provide for the crime of fraudulent insurance actions; to provide definitions and the civil and criminal penalties for fraudulent insurance actions; to authorize the Attorney General, the Alabama Department of Insurance, and the Department of Industrial Relations to oversee and investigate suspected fraudulent insurance actions; to provide certain immunity from civil liability for certain persons reporting and investigating suspected fraudulent insurance actions; to provide for confidentiality of information and files; to create within the Office of Attorney General the Insurance Fraud Unit; to provide for an appropriation to the Office of the Attorney General from the Special Insurance Fraud Unit Fund for the fiscal years 1995-96 and 1996-97; to provide remedies for aggrieved persons in enforcing this act; to provide funding for enforcing the act by the Insurance Fraud Unit by the assessment of insurance companies who write life, health, and casualty insurance; and to provide criminal penalties for violation of this act.

COMMITTEE ON INSURANCE

By Representative Boyd:

H. 192. To provide for elective course credit for certain public high school students who participate in YMCA Youth and Government programs.

COMMITTEE ON EDUCATION

By Representative McAdory:

H. 193. To propose an amendment to the Constitution of Alabama of 1901, to provide that the Legislature, by local act, may provide for the election of the members of the board of education in the City of Bessemer in Jefferson County and may provide further for the operation of the board.

COMMITTEE ON LOCAL LEGISLATION NO. 2

The above bill was read a first time at length as required by the Constitution.

By Representatives Baker, Jackson, Houston, and Minnifield:

H. 194. To amend Section 36-21-4.1, Code of Alabama 1975, to provide that nonelected county law enforcement officers be compensated for overtime pursuant to the Federal Fair Labor Standards Act; and to provide that the officers may receive compensatory leave for overtime hours worked.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Baker, Boyd, Johnson (E), Clouse, Dean, Jackson, Houston, and Minnifield:

H. 195. To establish the Alabama Entrepreneurial Business Act of 1996; to promote the development of pilot programs; to provide business technical assistance through the services of minority business development representatives located at certain regional planning and development commissions and establish micro and small business revolving loan funds to assist in entrepreneurial and small business development; and to make an appropriation to fund the program.

COMMITTEE ON WAYS AND MEANS

By Representatives Hall (A), Hinshaw, Morrison, Clark (J), Dolbare, Baker, Jorgensen, McKee, Sanderford, Townsend, Fuller, Hooper, Robinson, and Hill:

H. 196. Proposing an amendment to the Constitution of Alabama of 1901, providing for resignation from certain elected public offices when the holders of the offices officially become candidates for certain other elected public offices.

COMMITTEE ON CONSTITUTION AND ELECTIONS

The above bill was read a first time at length as required by the Constitution.

By Representative Johnson (R):

H. 197. To amend Section 32-6-41 and Section 32-6-43, Code of Alabama 1975, to increase the number of doctors serving on the Department of Public Safety Medical Advisory Board; and to clarify that persons affected by licensing decisions of the Alabama Department of Public Safety may obtain copies of reports or records used by the department in making licensing decisions.

COMMITTEE ON HIGHWAY SAFETY

By Representative Johnson (R):

H. 198. To amend Section 36-33-2 of the Code of Alabama 1975, relating to protection of certain state officials; to clarify who may be furnished protection; and to require that security officers be designated from within the Department of Public Safety.

COMMITTEE ON HIGHWAY SAFETY

By Representatives Morrow, Smith, and Jorgensen:

H. 199. To provide that students who are found to be in possession of illegal drugs, alcohol, or deadly weapons on a school campus would be expelled for one school year; to provide that the students would not be eligible to attend any public schools in this state; to provide that expelled students may be allowed to attend alternative schools; and to provide for notification of the expulsion to parents of the students.

COMMITTEE ON EDUCATION

By Representative Johnson (R):

H. 200. To amend Section 32-6-7 of the Code of Alabama 1975, relating to the issuance of driver's licenses by the Department of Public Safety, to delete that portion of existing law that any person adjudged to be insane, or an idiot, imbecile, epileptic, or feeble-minded shall not be issued a driver's license until restored to competency by judicial judgment, or released from a hospital for the insane or feeble-minded, upon certification by the superintendent or medical director that the person is competent, and the Director of Public Safety or examining officer is satisfied that the person is competent to drive a motor vehicle with safety to persons and property.

COMMITTEE ON JUDICIARY

By Representative Johnson (R):

H. 201. Relating to pharmacists; providing for the registration and regulation of pharmacy technicians; and providing for definitions.

COMMITTEE ON HEALTH

By Representative Johnson (R):

H. 202. To exempt the official Olympic Pharmacy from the licensing requirements of the State Board of Pharmacy for the XXVI Olympiad Games.

COMMITTEE ON HEALTH

By Representatives Johnson (R), Vance, Sims, Burke, Jackson, and Graham:

H. 203. To create the Respiratory Care Act to provide for the regulation and licensing of persons administering respiratory care; to create the Alabama State Board of Respiratory Care and provide for its powers, duties, and responsibilities; to create the Alabama State Board of Respiratory Care Fund for receipts collected by the board and to provide for the administration of the fund; to make appropriations from the fund to the board; and to provide for prohibited acts and penalties.

COMMITTEE ON HEALTH

By Representatives Johnson (R), Carothers, Flowers, Jackson, Gaston, Wren, and Sanderson:

H. 204. To provide for mandatory hospital and physician data collections; to provide for the Alabama Department of Public Health as the designated agency to compile and analyze the collected data; to provide for the collection of data; to provide for an advisory board; and to provide for the submission of the data.

COMMITTEE ON HEALTH

By Representative Newton (D):

H. 205. Proposing an amendment to the Constitution of Alabama of 1901, authorizing the Birmingham City Council to provide for bingo operations for charitable purposes within the city in Jefferson County except that portion of the city which lies South of the Birmingham Water Works on U. S. Highway 280 or outside of the boundaries of Jefferson County.

COMMITTEE ON JUDICIARY

The above bill was read a first time at length as required by the Constitution.

By Representative Newton (D):

H. 206. To authorize the incorporation in any municipality in the State of Alabama of an Urban Redevelopment Authority; to authorize an Urban Redevelopment Authority to designate and define the areas of the redevelopment districts; to provide for the election and compensation of directors of any authority; to provide for the powers and duties of the authority, its board of directors, and its officers; to

authorize the authority to acquire all real and personal properties, provided that the property shall be located wholly within the urban redevelopment districts as defined; to authorize any authority to lease properties to others and grant options to any lessee; to provide for the issuance by any authority of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of its properties; to provide that in certain circumstances the securities shall constitute negotiable instruments; to provide that the securities may be secured by a pledge of the revenues and receipts from which they are payable; to authorize the authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate, or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state, or local government or allow them to use facilities or services of the authority; to make loans to persons or entities for the costs of a project on the security; to provide for the employment by any authority of any personnel as its business may require; to require the authority to be insured; to require payments in lieu of taxes to be for the authority's purposes; to provide for the investment of funds of any authority; to provide for the use of the proceeds of any securities issued by any authority; to provide for the refunding, by the issuance of securities of any authority, of securities theretofore issued by it; to provide that the securities issued and contracts entered into by the authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality, or political subdivision of the state; to make the securities issued by the authority eligible investments for various governmental bodies and fiduciaries; to provide that any authority may publish a notice of the adoption of a resolution authorizing the issuance of bonds by the authority, and to provide that any action or proceeding questioning the validity of the bonds, or any pledge, mortgage, and deed of trust or trust indenture securing the bonds, or the proceedings authorizing the bonds, would be commenced within 30 days after the first publication of the notice; to exempt the income of any authority, and all conveyances, leases, mortgages, and deeds of trust to which any authority is a party, from all taxation in the state except for the state ad valorem taxes; to exempt every authority from all license and excise taxes in which an authority may engage and to exempt the authority from payment of certain charges to judges of probate; to exempt every authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt every authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any authority; to provide for the dissolution of any authority and the disposition of its property; to limit to one the number of authorities which may exist in any municipality at any one time; to give the authority the power of eminent domain; to authorize political subdivisions, agencies, instrumentalities, and public corporations of the state to aid the authority without any public election; to require the treasurer to obtain a fidelity bond; to require compliance with the competitive bid law with respect to any projects receiving public funds; to require a public hearing prior to the expenditure of any public funds; to provide for the reincorporation of, and to validate the acts of, certain authorities previously established; to authorize a system of tax increment financing

of certain infrastructure improvements from certain revenue exceed produced by the redevelopment for a period not to increase 20 years under agreement with the municipality; to provide that the provisions of this act are cumulative and severable; and to provide for an effective date.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Newton (D):

H. 207. To authorize the incorporation in any Class 1 municipality in the State of Alabama of an Urban Redevelopment Authority; to authorize an Urban Redevelopment Authority to designate and define the areas of the redevelopment districts; to provide for the election and compensation of directors of any authority; to provide for the powers and duties of the authority, its board of directors, and its officers; to authorize the authority to acquire all real and personal properties, provided that the property shall be located wholly within the urban redevelopment districts as defined; to authorize any authority to lease properties to others and grant options to any lessee; to provide for the issuance by any authority of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of its properties; to provide that in certain circumstances the securities shall constitute negotiable instruments; to provide that the securities may be secured by a pledge of the revenues and receipts from which they are payable; to authorize the authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate, or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state, or local government or allow them to use facilities or services of the authority; to make loans to persons or entities for the costs of a project on the security; to provide for the employment by any authority of any personnel as its business may require; to require the authority to be insured; to require payments in lieu of taxes to be for the authority's purposes; to provide for the investment of funds of any authority; to provide for the use of the proceeds of any securities issued by any authority; to provide for the refunding, by the issuance of securities of any authority, of securities theretofore issued by it; to provide that the securities issued and contracts entered into by the authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality, or political subdivision of the state; to make the securities issued by the authority eligible investments for various governmental bodies and fiduciaries; to provide that any authority may publish a notice of the adoption of a resolution authorizing the issuance of bonds by the authority, and to provide that any action or proceeding questioning the validity of the bonds, or any pledge, mortgage, and deed of trust or trust indenture securing the bonds, or the proceedings authorizing the bonds, would be commenced within 30 days after the first publication of the notice; to exempt the income of any authority, and all conveyances, leases, mortgages, and deeds of trust to which any authority is a party, from all taxation in the state except for the state ad valorem taxes; to exempt every authority from all license and excise taxes in which an authority may engage and to exempt the authority from payment of certain charges to judges of probate; to exempt every authority from all laws of the

state governing usury or prescribing or limiting interest rates; to exempt every authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any authority; to provide for the dissolution of any authority and the disposition of its property; to limit to one the number of authorities which may exist in any Class 1 municipality at any one time; to give the authority the power of eminent domain; to authorize political subdivisions, agencies, instrumentalities, and public corporations of the state to aid the authority without any public election; to require the treasurer to obtain a fidelity bond; to require compliance with the competitive bid law with respect to any projects receiving public funds; to require a public hearing prior to the expenditure of any public funds; to provide for the reincorporation of, and to validate the acts of, certain authorities previously established; to authorize a system of tax increment financing of certain infrastructure improvements from certain revenue increases produced by the redevelopment for a period not to exceed 20 years under agreement with the municipality; to provide that the provisions of this act are cumulative and severable; and to provide for an effective date.

COMMITTEE ON LOCAL LEGISLATION NO. 2

By Representatives Newton (D) and Perdue:

H. 208. To amend Section 12-15-71.1 of the Code of Alabama 1975, relating to serious juvenile offenders; to provide that the juvenile court may, in addition to sentencing a child who is found by the court to be a serious juvenile offender to the Alabama Department of Youth Services, sentence the child to a term of imprisonment in the state penal system to commence after the child reaches the age of majority; and to further provide that the combined sentence imposed on a serious juvenile offender shall not exceed the sentence that would have been imposed if the serious juvenile offender had been an adult.

COMMITTEE ON JUDICIARY

By Representative Payne:

H. 209. To propose an amendment to the Constitution of Alabama of 1901, providing that matters of the budgets shall be addressed only in odd-numbered years; to provide for a two-year budget; and to provide that matters of the budgets could be addressed in even-numbered years only in emergency situations.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representative Black (L) (With Notice and Proof):

H. 210. To amend Act No. 376 of the 1975 Legislature relating to the Greene County Racetrack and pari-mutuel wagering in Greene County to provide for televised racing events and pari-mutuel wagering on greyhound racing and horse racing; to provide for combined pari-mutuel pools and takeout for televised racing events; to levy state and local taxes on pari-mutuel wagering; to change the number of racing days; to change the hours for racing; and to repeal the admission fee.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 210, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Curry:

H. 211. To amend Section 36-27-125 of the Code of Alabama 1975, to provide further for certain increases in benefits for certain pensioners and annuitants.

COMMITTEE ON WAYS AND MEANS

By Representative Carothers:

H. 212. To amend Section 11-89A-18, Code of Alabama 1975, which relates to exemption from laws regarding competitive bidding, to clarify the existing provision that contracts with solid waste disposal authorities authorized by municipalities entered into by the municipalities who authorized the solid waste disposal authorities with whom the municipalities contract are exempt from the laws regarding competitive bidding, and to provide that solid waste disposal authorities authorized by counties, contracts entered into by solid waste disposal authorities authorized by counties, and contracts with solid waste disposal authorities authorized by counties entered into by the counties who authorized the solid waste disposal authorities, are exempt from the laws regarding competitive bidding.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Carothers:

H. 213. To amend Section 11-3-4.1 of the Code of Alabama 1975, relating to the compensation of the members and chair of the several county commissions, to further provide for the minimum compensation and to provide for an increase in compensation for certain county commission chairs who serve full-time.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Carothers:

H. 214. To amend Sections 16-6B-2, 16-6B-8, 16-13-232, 16-13-234, and 16-13-236, Code of Alabama 1975, to define vocational/technical education, vocational/technical instructor, and vocational support personnel; to increase the base amount of state funds spent by local school boards for vocational/technical education each year by the same percentage as teacher salaries; to provide that each comprehensive high school receiving a vocational counselor unit in 1994-95 earn a vocational director/administrator and a vocational counselor; to provide for the allocation of funds from the public school fund to area vocational centers and comprehensive high schools beginning in the fiscal year 1996-97; and to provide that funds received from the state by local boards of education for vocational/technical education be used only for vocational/technical education or vocational support personnel and that any remaining funds revert to the Alabama Special Educational Trust Fund for allocation toward instructional support costs of vocational/technical education.

COMMITTEE ON WAYS AND MEANS

By Representatives Jackson, Dean, Vance, Mitchell, and Hayden:

H. 215. To amend Section 34-31-28 of the Code of Alabama 1975, relating to written or oral examinations for qualification as certified contractors and application for certification of certain persons without examination; to provide that persons who has been certified by any branch of the armed forces of the United States while they were on active duty to install or repair heating and air conditioning systems for a period of two years or more immediately before they apply for certification shall not be required to stand for an examination.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Jackson, Baker, Dean, Vance, Mitchell, and Hayden:

H. 216. To exempt the Thomasville Civic Center Foundation from the payment of all state, county, and municipal sales and use taxes.

WHEREAS, the Thomasville Civic Center Foundation is a noteworthy charitable organization whose civic contributions to the state, county, and Thomasville area are too numerous to list; and

WHEREAS, even in these times of financial hardship, the Thomasville Civic Center Foundation justly deserves to be exempt from the state, county, and municipal sales and use taxes; now therefore,

COMMITTEE ON WAYS AND MEANS

By Representatives Jackson, Maull, Vance, Hayden, Mitchell, McAdory, McClammy, Boyd, Houston, Spratt, Bandy, Johnson (E), and Dean:

H. 217. To provide for the issuing of county permits for palm readers, fortunetellers, clairvoyants, palmists, astrologers, phrenologists, character readers, spirit mediums, absent treatment healers, and other people engaged in similar occupations; and to provide that a permit shall be obtained before a business license may be issued.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Fuller, Guin, Hall (L), Graham, Smith, Black (M), and Hill:

H. 218. Relating to the awarding of the custody of a child upon the granting of a divorce or the voluntary separation of a husband and wife; specifying the forms of custody that may be awarded; specifying visitation rights; permitting a child of a certain age to designate the custodial parent; providing for agreements between parents regarding custody; providing for tax treatment, child support, and access to records; prohibiting certain actions when visitation is denied or ordered child support payments are not paid and providing certain penalties and remedies; and repealing certain conflicting laws.

COMMITTEE ON JUDICIARY

By Representatives Robinson, Hall (A), Curry, Sanderson, Hill, Burke, Galliher, Morrison, Jorgensen, Millican, and Johnson (R):

H. 219. To amend Section 15-5-3 of the Code of Alabama 1975, relating to search warrants; and to provide procedures for obtaining a search warrant by means other than a written affidavit.

COMMITTEE ON JUDICIARY

By Representatives Sanderson, Thomas (D), Clouse, Carns, Hooper, Turner, Johnson (R), Fuller, Allen, Knight (A), Hill, Curry, Moore, Flowers, Galliher, Guin, and Johnson (E):

H. 220. To amend Section 26-21-1, et sequel, Code of Alabama 1975, the Parental Consent to Abortion Act, by repealing Section 26-21-3(b), the requiring of a certified mail notice to the mother of a minor who was caused to be pregnant as a result of sexual intercourse with a father or legal guardian; to amend subsection (c) by repealing the minor's verification; to require a parent's or legal guardian's or adoptive parent's signature to a consent form to be signed in the presence of the abortion provider or agent and to be accompanied with specific identification and evidence, and to provide for certain alternative identification and evidence requirements; to amend subsection (d) to require certain documents proving a minor is emancipated to be certified by the appropriate issuing authority; to prohibit a parent, legal guardian, custodian, or any other person coercing a minor

to have an abortion performed; to provide that the State of Alabama, Department of Public Health, develop appropriate forms for the consent and emancipation requirements of Section 26-21-3; to provide a civil cause of action for the violation of the provisions of the Act.

COMMITTEE ON PUBLIC WELFARE

By Representatives Lindsey, Carter, Morrison, Burke, Layson, and Robinson:

H. 221. To amend Sections 40-21-83 and 40-21-103, Code of Alabama 1975; to provide further for exclusions from the gross receipts of utilities.

COMMITTEE ON WAYS AND MEANS

By Representatives Lindsey, Carter, Hooper, Morrison, Burke, Layson, and Robinson:

H. 222. To amend Section 40-12-248 of the Code of Alabama 1975, relating to the annual license taxes and registration fees for trucks or truck tractors; to further provide for the lower annual license tax and registration fee for certain trucks or truck tractors owned and used by a farmer.

COMMITTEE ON WAYS AND MEANS

By Representatives Page, Turner, Starkey, Smith, Murphree, Petelos, Hilliard, Galliher, Millican, Graham, Dukes, Sanderford, Hill, Parker (T), Collins, Layson, Burke, Morrow, Black (M), Johnson (E), Houston, McAdory, Hinshaw, Papucci, and Haney:

H. 223. To require every state agency administering a federally funded employment and training program to include in each program a priority system for serving veterans and other eligible persons and to provide for definitions.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Page, Turner, Starkey, Smith, Murphree, Hilliard, Galliher, Graham, Dukes, Sanderford, Hill, Parker (T), Collins, Curry, Layson, Burke, Morrow, Black (M), Houston, McAdory, Hinshaw, Papucci, and Haney:

H. 224. To amend Section 32-6-291 of the Code of Alabama 1975, relating to distinctive tags for retired military persons; and providing that a distinctive tag may be issued to retired military persons regardless of the length of their military service.

COMMITTEE ON WAYS AND MEANS

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By Representatives Page, Turner, Starkey, Smith, Murphree, Petelos, Hilliard, Galliher, Millican, Graham, Dukes, Sanderford, Hill, Parker (T), Collins, Curry, Layson, Burke, Morrow, Black (M), Johnson (E), Houston, McAdory, Hinshaw, Papucci, and Haney:

H. 225. To amend Section 32-6-250, Code of Alabama 1975, relating to distinctive license plates; to provide that a Medal of Honor or Purple Heart Medal recipient or a duly recognized American Prisoner of War may be issued an additional distinctive license plate if the person pays the ad valorem taxes and fees for the second and subsequent license plate.

COMMITTEE ON WAYS AND MEANS

By Representative Petelos:

H. 226. To allow a person charged with a non-capital felony offense may plead guilty to an information at any time before indictment; and provide the procedures for entering a plea on an information.

COMMITTEE ON JUDICIARY

By Representative Petelos:

H. 227. To propose an amendment to Article XIV, Section 8, as amended by Amendment No. 37 of the Constitution of Alabama of 1901, as amended, to remove the prohibition against pleading guilty within 15 days of an information in a non-capital felony case.

COMMITTEE ON JUDICIARY

The above bill was read a first time at length as required by the Constitution.

By Representatives Petelos, Galliher, and Papucci:

H. 228. To amend Section 15-10-3 of the Code of Alabama 1975, relating to the arrests of a person without a warrant, to provide that a person who commits a violation may be arrested without a warrant if the arresting officer knows that a warrant has been issued for the person.

COMMITTEE ON JUDICIARY

By Representatives Petelos, Galliher, Papucci, Hinshaw, and Allen:

H. 229. To amend Title 13A, Chapter 6, Article 4 of the Code of Alabama 1975, relating to certain sexual offenses; to amend Section 13A-6-61 of the Code of Alabama 1975, to provide that a person sixteen years of age or older who has sexual intercourse with a female who is 12 years old or less than 12 years old is guilty of rape in the first degree; to amend Section 13A-6-63 of the Code of

Alabama 1975, to provide that a person who is 16 years of age or older who has deviate sexual intercourse with a person who is 12 years old or less than 12 years old is guilty of sodomy in the first degree; to amend Section 13A-6-66 of the Code of Alabama 1975, to provide that a person 16 years of age or older who has sexual contact with a person who is 12 years old or less than 12 years old is guilty of sexual abuse in the first degree; and to further provide that common law marriage shall not be a defense to a charged offense under this article.

COMMITTEE ON JUDICIARY

By Representative Lindsey:

H. 230. Proposing an amendment to the Constitution of Alabama of 1901, relating to Cherokee County, authorizing the Cherokee County Commission to levy an additional ad valorem tax for fire protection and rescue services.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representatives Page and Galliher:

H. 231. To exempt the Etowah County Community Service Program, Inc., from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Turner, Laird, Johnson (R), Burke, Morrison, Warren, Thomas (D), Rogers (M), Papucci, and Morrow:

H. 232. To amend Section 11-50-1.1, Code of Alabama 1975, which prohibits municipalities from acquiring or duplicating services of certain waterworks systems, so as to also prohibit public corporations or entities created or operating pursuant to Sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and Chapter 50 of Title 11, Code of Alabama 1975, generally, from so acquiring or duplicating those services; and to prohibit any waterworks system or any part thereof, operated by a corporation or association which has been organized under Sections 10-4-190 through 10-4-194, Sections 11-88-1 through 11-88-21, Sections 11-88-40 through 11-88-111, or Sections 11-89-1 through 11-89-19, Code of Alabama 1975, from acquiring or duplicating any services of any waterworks system or any part thereof, operated by a municipality or public corporation or entity created or functioning pursuant to Sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and Chapter 50, Title 11, Code of Alabama 1975, generally, with certain exceptions.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Papucci (With Notice and Proof):

H. 233. To alter and rearrange the boundary lines and corporate limits of the City of Huntsville in Limestone County to remove certain property from the corporate limits of the city.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 233, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Hammett:

H. 234. To amend Section 9-3-18 of the Code of Alabama 1975, to provide further for certain organizations deemed to be public in nature.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Clark (W) and Kennedy:

H. 235. To make a supplemental appropriation from the General Fund in the State Treasury to the House of Hope, Inc., in Prichard, Alabama, for the fiscal year ending September 30, 1996.

COMMITTEE ON WAYS AND MEANS

By Representative Sims:

H. 236. To amend Sections 17-7-1 and 17-8-2.1, Code of Alabama 1975, as amended by Act No. 95-786, H. 66, 1995 Regular Session, to lower the number of required signatures on a petition for independent candidacy.

COMMITTEE ON WAYS AND MEANS

By Representative Morrow:

H. 237. To reenact an amendment to the Constitution of Alabama of 1901, proposed by Act No. 95-224, to provide for the election of the Franklin County Superintendent of Education by the qualified electors residing in the Franklin County School system; and to ratify, validate, and confirm any actions taken pursuant to the amendment proposed by Act No. 95-224.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representatives Black (M) and Hill:

H. 238. Authorizing a court to enter a decree of legal separation; providing for the modification or dissolution of the decree; providing for the effects of the decree in regard to certain property interests and a subsequent divorce decree; requiring the best interest of the child standard in certain instances; providing for the levying of court costs, repealing Sections 30-2-30 and 30-2-31 of the Code of Alabama 1975, regarding divorce from bed and board; and providing for a prospective effective date.

COMMITTEE ON JUDICIARY

By Representative Page:

H. 239. Relating to municipal planning and zoning; to amend Section 11-52-3 of the Code of Alabama 1975, providing for the composition and powers of municipal planning commissions to further provide for the composition of the planning commissions in Class 8 municipalities; prohibiting a member of the planning commission from also serving as a member of the zoning board of adjustment; requiring all members of the planning commission to be residents and qualified electors of the city's planning jurisdiction rather than qualified electors of the city; providing for four-year terms, rather than the current six-year terms, and limiting terms to two consecutive terms; providing further for the removal of members of the planning commission; to amend Section 11-52-8 of the Code of Alabama 1975, relating to the adoption of a master plan for the physical development of a municipality, to change the procedure from master plan to review and provide further for the documentation and contents of the plan; to amend Section 11-52-9 of the Code of Alabama 1975, to delete specific purposes and contents of the preparation of the master plan relating to the environment, traffic, distribution of the population and adequate public utilities, among other requirements, and providing for a comprehensive plan; to amend Sections 11-52-10 and 11-52-11 of the Code of Alabama 1975, relating to procedures for the adoption of the master plan, to require the municipal governing body to formally adopt any plan instead of the planning commission and provide for the commission to make its recommendations to the municipal governing body on the master plan; to amend Section 11-52-30 of the Code of Alabama 1975, to provide that the county engineer shall review a map or plat of a subdivision prior to the recording or sale of property referenced to the map or plat rather than approve the map or plat and to provide that the county commission may under certain conditions waive the requirement; to amend Section 11-52-32 of the Code of Alabama 1975, relating to the approval or disapproval of the plat by the planning commission and the powers of the planning commission as to subdivision zoning generally, to provide further for the period in which the planning commission may approve or disapprove a plat, the minimum number of affirmative votes for approval by the planning commission, and deleting certain other procedures required of the planning commission for recommendations to the council on amendments to zoning ordinances and maps of the territory within a subdivision; to amend Section 11-52-72 of the Code of Alabama 1975, relating to zoning, to further provide generally for the goals and

purposes of zoning ordinances; to amend Section 11-52-80 of the Code of Alabama 1975, relating to the board of adjustment, to delete the power of the chair or acting chair to administer oaths and compel the attendance of witnesses, and providing further for the conditions upon which the board may grant a variance from the terms of an ordinance and providing other technical non-substantive corrections; to provide that certain local laws shall not be affected by this act; to repeal Sections 11-52-50 to 11-52-54, inclusive, Code of Alabama 1975, relating to reservation of lands in subdivisions for future acquisition for streets and the procedures therefor; and to repeal Section 11-52-79 of the Code of Alabama 1975, relating to the power of a municipality or town to appoint a zoning commission.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Wren:

H. 240. To amend Section 8-6-58, Code of Alabama 1975, relating to personnel of the Alabama Securities Commission, to allow the Director of the Securities Commission to employ as many investigators as may be necessary to perform investigatory functions for the commission and to provide for their powers.

COMMITTEE ON JUDICIARY

By Representative Page:

H. 241. To amend Section 13A-11-72 of the Code of Alabama 1975, relating to the possession of a deadly weapon on the premises of a public school with the intent to do bodily harm, to provide that the possession of a deadly weapon with the intent to do bodily harm on the premises of a public school would be a Class B felony.

COMMITTEE ON JUDICIARY

By Representatives Hooper, Dean, Johnson (E), Baker, Parker (T), McKee, McDaniel, Morrison, Sanderford, Flowers, Jorgensen, Galliher, Crigler, Wren, Petelos, Fuller, McMillan, Hall (A), Hinshaw, Gaston, Haney, Gipson, Curry, Allen, Clouse, Sanderson, Carter, Lindsey, Maull, Carns, Johnson (R), Vance, Papucci, Thomas (D), Townsend, Hawkins, Layson, Morrow, Smith, Millican, Dukes, Murphree, Burke, Guin, Moore, Hamilton, Sims, Seibenhener, Collins, Carothers, Venable, Newton (C), Hammett, Morton, Hill, Robinson, Turnham, Dolbare, Pringle, and Rogers (M):

H. 242. To amend Section 13A-12-233, Code of Alabama 1975, relating to criminal enterprise for the purpose of trafficking in illegal drugs, and to prescribe the death penalty for a second conviction of engaging in a criminal enterprise for the purpose of trafficking in illegal drugs.

COMMITTEE ON JUDICIARY

By Representatives Curry, Hooper, Wren, McMillan, Newton (C), Johnson (R), Clouse, Moore, Seibenhener, McKee, Vance, Hogan, Gaston, Fuller, Morrison, Parker (T), Carns, Haney, Papucci, Allen, Petelos, Hill, Thomas (D), Morton, Gipson, Knight (A), and Hawkins:

H. 243. To provide for the procedure for voting by absentee ballot; to prohibit the counting of absentee ballots that are unwitnessed and unnotarized; to require individual voters to present certain identification at the polls as a prerequisite to voting; to provide for an early voting period for certain individuals; to provide for election officials at polling places; to establish uniform polling hours; to provide penalties; and to amend Sections 17-10-3, 17-10-5, 17-10-7, and 17-10-10, Code of Alabama 1975.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Fuller, Parker (T), McMillan, Morrow, McDaniel, Clouse, and Newton (C):

H. 244. Requiring public institutions of higher education to submit to the Alabama Commission on Higher Education a Facilities Master Plan and all proposals concerning capital projects; requiring the commission to review and approve these proposals; permitting the appeal of the decision of the commission to a legislative committee; providing for the creation, composition, function, and compensation of the legislative committee; placing a freeze on the inclusion of certain capital projects in the funding formula calculations; and requiring the prioritizing of capital improvement budget requests.

COMMITTEE ON WAYS AND MEANS

By Representatives Parker (T), Fuller, McMillan, Morrow, McDaniel, Clouse, and Newton (C):

H. 245. Relating to institutions of higher education; defining a resident student and prescribing tuition rates for nonresident students; providing for exceptions; permitting the application of a more rigorous policy by an institution; and requiring annual audits.

COMMITTEE ON WAYS AND MEANS

By Representatives Parker (T), Fuller, McMillan, Morrow, McDaniel, Newton (C), and Clouse:

H. 246. To amend Section 16-5-8 of the Code of Alabama 1975, to require the Alabama Commission on Higher Education to establish standards that programs offered by public two-year and four-year institutions of higher education must satisfy; to permit the commission to terminate programs failing to satisfy these standards; to provide for an appeal to a permanent legislative committee; to remove the regulatory exemption granted to certain off-campus offerings; and to provide for the creation, composition, function, and compensation of the legislative committee.

COMMITTEE ON WAYS AND MEANS

By Representatives Kennedy, Fuller, Clouse, Parker (T), and Newton (C):

H. 247. Relating to the Alabama Commission on Higher Education, amending Section 16-5-7 of the Code of Alabama 1975, to require the commission to develop and maintain a unit record database concerning faculty members of institutions of higher education and specifying the purposes for which the data may be used.

COMMITTEE ON WAYS AND MEANS

By Representatives McMillan, Parker (T), Fuller, Kennedy, Morrow, McDaniel, Clouse, and Newton (C):

H. 248. To amend Section 16-5-7 of the Code of Alabama 1975, to require the Alabama Commission on Higher Education to obtain specific information from each two-year and four-year public institution of higher education to establish a student unit record data system.

COMMITTEE ON WAYS AND MEANS

By Representatives Page, Papucci, Jorgensen, Burke, Hinshaw, and Baker:

H. 249. To provide for the operation and use of coin-operated games or devices designed and manufactured for bona fide amusement purposes and provide penalties for violations.

COMMITTEE ON WAYS AND MEANS

By Representatives Buskey, Turnham, Fuller, Clark (W), Rogers (J), and Kennedy:

H. 250. To create the Alabama Sickle Cell Oversight and Regulatory Commission; to provide for appointment to the commission; and to provide for the powers and duties of the commission.

COMMITTEE ON WAYS AND MEANS

By Representatives Black (M) and Hill:

H. 251. To amend Section 36-21-2 of the Code of Alabama 1975, to provide a subsistence allowance to the marshal and deputy marshals employed by the state appellate courts.

COMMITTEE ON JUDICIARY

By Representative Hinshaw:

H. 252. To amend Section 36-27-15.2 of the Code of Alabama 1975, to provide further for allowing the purchase of prior service credit in the Employees' Retirement System or the Teachers' Retirement System for prior service rendered in the Job Corps.

COMMITTEE ON WAYS AND MEANS

By Representative Hinshaw:

H. 253. To amend Section 34-23-8 of the Code of Alabama 1975, relating to substitution of brand drugs, so as to allow licensed pharmacists to substitute a less expensive pharmaceutically and therapeutically equivalent drug product, unless the practitioner prescribing the drug specifies in his or her own handwriting that the brand name product prescribed is medically necessary.

COMMITTEE ON HEALTH

By Representatives Hinshaw, Allen, and Papucci:

H. 254. To amend Sections 13A-6-61, 13A-6-63, and 13A-6-66 of the Code of Alabama 1975, to provide that a person 16 years of age or older who is convicted of rape, sodomy, or sexual abuse when the victim is less than 12 years of age shall be sentenced to a term of life in prison without parole.

COMMITTEE ON JUDICIARY

By Representative Hooper:

H. 255. Relating to public records; to amend Sections 41-13-20, 41-13-22, and 41-13-25 of the Code of Alabama 1975; and to provide further for the composition of the State Records Commission and the Local Government Records Commission.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Townsend and Burke:

H. 256. To amend Section 32-7-5 of the Code of Alabama 1975, relating to the period of filing forms of reports of motor vehicle accidents under certain conditions by extending the time for an owner reporting a motor vehicle accident when the operator is physically incapable of making the report.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Rogers (J), McAdory, and Houston (With Notice and Proof):

H. 257. To permit the operator of a racetrack in a Class 1 municipality, notwithstanding certain provisions of Section 11-65-32 of the Code of Alabama 1975, to transmit to, or receive from, other racetracks located in Alabama televised horse or greyhound racing events, to conduct pari-mutuel wagering on such televised racing events, and to participate in pari-mutuel pools that include bettors at other racetracks in Alabama that are transmitting or receiving such televised racing events; and to enable the operator of a racetrack in a Class 1 municipality to adjust takeouts in order to participate in combined pari-mutuel pools with other racetracks.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 257, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Rogers (J), McAdory, and Houston:

H. 258. To amend Section 14-9-42 of the Code of Alabama 1975; to allow deductions from sentences pursuant to Section 14-9-42 of the Code of Alabama 1975 for time served on parole; and to provide that this provision would apply to persons currently on parole for time served on parole.

COMMITTEE ON JUDICIARY

By Representatives Rogers (J), McAdory, and Houston (With Notice and Proof):

H. 259. Relating to Jefferson County; to amend Section 3 of Act No. 89-635 of the Legislature of Alabama to increase the monthly expense allowance for County Commissioners from Four Hundred Dollars (\$400.00) per month to Seven Hundred Dollars (\$700.00) per month.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 259, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Rogers (J), McAdory, and Houston (With Notice and Proof):

H. 260. Relating to Jefferson County; to require that the Jefferson County Personnel Board include in the scoring of employment tests only those job-related factors that objectively measure the relative qualifications of competing applicants and promotion candidates and that are not discriminatory and require that the certification list reflects the racial and gender composition of the qualified applicant pool.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 260, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

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By Representatives Rogers (J), McAdory, and Houston (With Notice and Proof):

H. 261. To authorize certain municipalities to employ police officers and firefighters without certification by any applicable civil service system or merit system.

COMMITTEE ON LOCAL GOVERNMENT

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 261, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Rogers (J), McAdory, and Houston (With Notice and Proof):

H. 262. Relating to Jefferson County; to amend Section 16 of Act No. 248 of 1945, as last amended, respecting the term of eligible lists; and to amend Section 18 of Act No. 248 of 1945, as last amended, respecting provisional appointments.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 262, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Hamilton, Newton (D), Carter, Flowers, Venable, Millican, Collins, Black (M), Carns, Payne, McDaniel, Papucci, Haney, Petelos, Curry, Morton, and Dolbare:

H. 263. To amend Section 41-4-150, Code of Alabama 1975; to provide that bound Acts and Journals are to be distributed pursuant to the discretion of the Secretary of State; and to provide a copy for members of the Legislature and to departments, officers, courts, and others.

COMMITTEE ON JUDICIARY

By Representative Rogers (M):

H. 264. To exempt the Anniston Fellowship House, Inc. from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Rogers (M):

H. 265. To amend Section 40-23-5 of the Code of Alabama 1975, as amended by Act No. 94-595 of the 1994 Regular Session, to provide further for certain organizations which are exempt from payment of state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Rogers (M):

H. 266. To amend Section 12-15-65 of the Code of Alabama 1975, as amended by Act No. 95-545 of the 1995 Regular Session; to provide that juvenile delinquency proceedings be open to the public; to permit law enforcement to disclose records of juvenile offenders; to provide further for the photographing of a child in custody for criminal identification purposes; and to repeal Section 12-15-101, Code of Alabama 1975.

COMMITTEE ON JUDICIARY

By Representative Johnson (R):

H. 267. To amend Section 32-5A-191 of the Code of Alabama 1975, as amended by Act No. 95-784, S. 338, 1995 Regular Session (Acts 1995, p. 1862), relating to driving under the influence of alcohol and drugs; to prohibit the operation of a motor vehicle by a person who has more than .02 percent or more by weight of alcohol in his or her blood.

COMMITTEE ON HIGHWAY SAFETY

By Representatives Millican, Page, Hill, Galliher, Robinson, Hall (A), Smith, Jorgensen, Graham, Black (M), Hall (L), Guin, and Burke:

H. 268. To amend Section 32-1-4 of the Code of Alabama 1975, relating to appearance upon arrest of a person for a traffic violation for a misdemeanor, Section 32-5A-115 of the Code of Alabama 1975, relating to the operation of emergency vehicles, and Section 32-5A-193 of the Code of Alabama 1975, relating to fleeing or attempting to elude a law enforcement officer; to provide that a person arrested for failure to stop, fleeing, or attempting to elude a law enforcement officer shall upon arrest be taken to the nearest or most accessible magistrate; to specify the conditions under which a pursuing law enforcement officer may be found to have contributed to the causation of damages, injury, or death caused by a fleeing suspect; to change certain penalty provisions applicable to the offense of fleeing or attempting to elude a law enforcement officer; to provide for the mandatory nature of certain penalty provisions; and create a new crime of attempting to elude or flee a law enforcement officer under specified aggravated circumstances a crime and provide penalties therefor.

COMMITTEE ON PUBLIC WELFARE

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By Representatives Hawk, Hall (L), Fuller, Gipson, and Box:

H. 269. Relating to cigarettes; to amend Sections 40-25-2 and 40-25-23, Code of Alabama 1975; to increase cigarette tax; and to provide that any new funds generated by the tax shall be distributed to the Children First Trust Fund.

COMMITTEE ON WAYS AND MEANS

By Representatives Hawk, Hall (L), Fuller, Gipson, Vance, and Box:

H. 270. Relating to the Children First Program; to establish the Children First Trust Fund within the State Treasury; to provide for the management and administration of the fund by the Alabama Juvenile Justice Coordinating Council; to make an allocation to the Department of Youth Services, the State Board of Education, the Department of Human Resources, the Department of Mental Health and Mental Retardation, the Administrative Office of Courts, the State Multiple Needs Children's Fund, the Children's Trust Fund, and the Department of Public Health for prevention, treatment, education, rehabilitation, and punishment programs for children.

COMMITTEE ON WAYS AND MEANS

By Representatives Hawk, Hall (L), Fuller, Gipson, and Box:

H. 271. To amend Sections 12-15-7, 44-1-2, 44-1-24, and 44-1-27 and to repeal Section 44-1-26, Code of Alabama 1975; further providing for the duties of juvenile probation officers; providing for the allocation of juvenile probation officer positions and staff positions by the Administrative Director of Courts; providing for the appointment and dismissal of juvenile probation officers and chief juvenile probation officers; providing for the development of minimum standards and certification of juvenile probation officers and continuing education; establishing the Juvenile Probation Services Fund in the State Treasury; providing the schedule to transition juvenile probation officers from county employees to state employees; phasing out county funding of salaries and benefits for juvenile probation officers and staff providing juvenile probation services, excluding staff of juvenile detention services; providing for the classification and pay of juvenile probation officers and staff under the state court system personnel system and the protection of current employee status and benefits of juvenile probation officers and staff during and following transition to state employee status; providing for state assumption of certain operating expenses and specified property; providing for an appropriation of \$425,000 from the State General Fund to the Unified Judicial System for the fiscal year ending September 30, 1997; and providing for an effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives Hawk, Hall (L), Fuller, Gipson, Vance, and Box:

H. 272. Relating to child mortality; concerning efforts to identify deaths which may be from child abuse or neglect or other causes; relating to obtaining and maintaining statistics on child mortality within the state; providing services to surviving family members; developing and implementing measures to aid in reducing the risk and incidence of future child injury and death; establishing the State Child Death Review Team and local teams; establishing policies and procedures as are necessary for the operation of the State Child Death Review Team and the local teams.

COMMITTEE ON WAYS AND MEANS

By Representative Hawk:

H. 273. To amend Section 8-6-58, Code of Alabama 1975, relating to personnel of the Alabama Securities Commission, to allow the Director of the Securities Commission to employ such special agents as may be necessary to perform investigatory functions for the commission and to provide for their powers.

COMMITTEE ON JUDICIARY

By Representative Guin:

H. 274. To prohibit institutions of higher education from providing college level courses to inmates of Alabama's penal system.

COMMITTEE ON WAYS AND MEANS

By Representatives Guin and Hogan:

H. 275. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901; to grant certain powers and authority to Walker County and each municipality situated wholly therein relating to the acquisition, leasing, sale, and development of industrial sites and industrial park projects; and to specify that actions authorized by this amendment taken subsequent to January 1, 1996, are ratified.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Minnifield:

H. 276. Relating to public records; to establish the Open Public Records Act; and to provide for the imposition of civil penalties against a public officer, public employer, or public employee denying a citizen a copy or copies of public records.

COMMITTEE ON WAYS AND MEANS

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By Representative Hammett:

H. 277. To amend Section 31-2-60 of the Code of Alabama 1975, relating to the military department; to delete references to grade for deputy adjutants general and assistant adjutants general for the Army and Air National Guard.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Carns, Hawkins, Townsend, Haney, Dukes, Wren, Crigler, Fuller, Seibenhener, Dean, Smith, Flowers, Knight (A), Johnson (R), Jorgensen, Sanderson, Curry, Hill, Thomas (D), Sanderford, Murphree, Guin, Allen, Galliher, Sims, McKee, Payne, Hooper, Turner, Morton, Petelos, Gipson, Dolbare, Layson, Gaston, and Moore:

H. 278. Prohibiting the performance or inducement of an abortion without voluntary and informed consent and specifying what constitutes such consent; requiring the Department of Public Health to publish certain materials regarding abortions and alternatives; providing for emergency situations; prescribing criminal penalties and for license suspension of abortion centers; providing for certain civil actions including professional disciplinary actions and license suspension; providing for the right of intervention; and providing for a specific construction and a delayed effective date.

COMMITTEE ON PUBLIC WELFARE

By Representatives Carns, Hawkins, Curry, Papucci, Haney, Morton, Gipson, Townsend, Wren, Sanderson, McKee, Sims, Johnson (E), Flowers, Dean, Clouse, Vance, Willis, Seibenhener, Gaston, McMillan, Crigler, Allen, Smith, Dukes, Sanderford, Moore, Layson, Turner, Hooper, Jorgensen, and Dolbare:

H. 279. To require all criminal cases to proceed to trial within 90 days after the defendant is charged by an indictment or information and to provide that cases not brought to trial within 90 days and not continued for specified reasons, would be dismissed; to provide that the 90-day period be increased to 120 days during the first year after the effective date of this act; to specify exceptional circumstances for which a continuance may be granted in certain felony cases; to provide for the empaneling of a grand jury; and to provide an effective date.

COMMITTEE ON JUDICIARY

By Representatives Carns, Hawkins, Townsend, Haney, Dukes, Wren, Crigler, Seibenhener, Dean, Flowers, Knight (A), Johnson (R), Jorgensen, Sanderson, Curry, Hill, Thomas (D), Sanderford, Hooper, Murphree, Allen, Sims, Payne, McKee, Turner, Smith, Petelos, Gipson, Dolbare, Gaston, Layson, and Moore:

H. 280. Relating to tort reform; providing for the awarding of punitive damages in civil causes of action.

COMMITTEE ON WAYS AND MEANS

By Representative Turner:

H. 281. To repeal Section 9-11-49.2, Code of Alabama 1975, relating to the treatment of certain nonresidents paying a certain amount of ad valorem property taxes as Alabama residents for the purpose of purchasing certain hunting licenses.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representatives Minnifield and Townsend:

H. 282. To amend Sections 6-6-311, 6-6-317, 6-6-332, 6-6-335, 6-6-337, and 6-6-350 of the Code of Alabama 1975, relating to unlawful detainers; to consolidate actions for nonpayment of rent and unlawful detainer actions; to reduce the time in which an action for nonpayment of rent may be commenced by the landlord and heard by the courts; and to require a tenant who appeals a writ of eviction for nonpayment of rent to pay the past due rent and rent that accrues into court and that failure to pay shall result in dismissal of the appeal; and to specially repeal Sections 6-6-312, 35-9-5, 35-9-6, 35-9-7, and 35-9-8 of the Code of Alabama 1975.

COMMITTEE ON JUDICIARY

By Representative Petelos (With Notice and Proof):

H. 283. Relating to Jefferson County; to authorize the Pension Board of the General Retirement System for Employees of Jefferson County to establish rules and regulations to allow former members of the Pension System who withdrew from the Pension System under Section 13 of Act No. 497, of the Regular Session of the Legislature of Alabama of 1965, as amended, and who rejoined the System pursuant to Act No. 86-706, First Extraordinary Session of 1986, to become eligible to receive Factor No.3 of the Pension Benefit Formula for previous unpaid time, but excluding the period from the date of their withdrawal until January 3, 1987; to allow former members of the retirement system who withdrew from the System pursuant to Section 13 of said Act No. 497 and who did not rejoin the System pursuant to Act No. 86-706, a one-time opportunity to rejoin the System as new members with eligibility to receive Factor No. 3 of the Pension Benefit Formula but excluding the period from the date of their withdrawal until January 3, 1987; to prohibit certain new members who rejoined the System from converting any of the previous unpaid membership time to paid membership time for the Pension Benefit Formula; and to repeal Act No. 93-927 of the 1993 First Special Session of the Legislature.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 283, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Hilliard, Spratt, Johnson (E), Houston, Newton (D), and McAdory:

H. 284. To exempt the Bethel-Ensley Action Task, Incorporated from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Sims, Crigler, Layson, Wren, Carns, Sanderson, Townsend, Hawkins, Petelos, Hooper, McKee, Johnson (E), Johnson (R), Papucci, Allen, Curry, McDaniel, Sanderford, Murphree, Jorgensen, Smith, Galliher, Gipson, Hill, Thomas (D), Morton, Clouse, Moore, Vance, Gaston, Hogan, and Dean:

H. 285. To provide individual rights of conscience for not being required to participate in the providing of health care services that violate religious or moral convictions; to provide that no person shall be civilly, criminally, or administratively liable to anyone else for refusing to participate in the providing of health care services that violate his or her religious or moral convictions if timely notice of the refusal is given; to provide that no person shall discriminate against, penalize, discipline, or retaliate against anyone in employment, education, or training, or in any grant, contract, or program because of the person's refusal to participate due to those convictions; to provide that no health care provider shall be required to provide, pay for, or participate in the provision of facilities, equipment, or personnel for any health care service that violates the religious or moral convictions of the provider; to provide that no health care provider shall be civilly, criminally, or administratively liable for such refusal if it posts refusal policies in admission areas or gives notice to persons requesting such participation; to provide that no person shall discriminate or retaliate against any health care provider in any grant, contract, or program because of its refusal to participate; to provide that this bill does not apply to medical emergency procedures and does not relieve a person from liability to pay for a health care service or taxes; to provide that any health care provider or department or division thereof established for the sole purpose of providing specific health services to which some persons may object, shall reasonably accommodate the employee's belief by diligent effort; to provide civil damages and injunctive relief for violation; and to require the State of Alabama Department of Public Health to adopt appropriate regulations to insure the protection of rights of conscience of health care providers.

COMMITTEE ON JUDICIARY

By Representatives Johnson (E), Jackson, Haney, Newton (D), Vance, Hooper, Carter, Thomas (D), Page, Burke, Lindsey, Layson, Sanderson, McAdory, Houston, Hilliard, Carns, Payne, Hinshaw, Petelos, Townsend, Black (M), Hamilton, Millican, Johnson (R), Sims, Rogers (J), Curry, Allen, Papucci, Minnifield, McDaniel, Graham, Hall (L), Gipson, Morton, Hill, Guin, McKee, Rogers (M), Smith, Jorgensen, Morrison, Murphree, Robinson, Hall (A), Morrow, Galliher, Knight (A), Crigler, Venable, Newton (C), and Collins:

H. 286. To amend Section 6-5-332, Code of Alabama 1975, relating to the exemption from civil liability of certain persons rendering first aid or emergency care at the scene of an accident, casualty, or disaster, to remove the requirement that first aid or emergency care be given at the scene in order for the person to be exempt from civil liability.

COMMITTEE ON JUDICIARY

By Representatives Kennedy, Clark (W), Mitchell, and Buskey:

H. 287. To provide for the restoration of voting rights for certain persons who fulfill the conditions of the sentence or conditions required by the State Board of Pardons and Paroles; and to specifically repeal Section 17-3-10 of the Code of Alabama 1975.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Venable:

H. 288. Relating to elections; to create a pilot project for early voting to be administered by the Secretary of State in addition to absentee voting.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Venable and Clouse:

H. 289. Relating to the Fair Campaign Practices Act; amending Sections 17-22A-2, 17-22A-4, 17-22A-5, 17-22A-7 to 17-22A-9, inclusive, 17-22A-11, and 17-22A-21, Code of Alabama 1975; to provide further for the solicitation, acceptance, and reporting of campaign contributions and expenditures by candidates, principal campaign committees, and political committees; to limit campaign contributions; to limit contributions between political committees; to provide for the registration and certification of political committees; to provide for the establishment and operation of separate, segregated political funds; to prescribe penalties for violations of this act; to modify the venue and statute of limitations provisions for enforcement of this act; and to make an appropriation.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Knight (J), McClammy, Baker, Dolbare, Hayden, Jackson, Boyd, Mitchell, Hilliard, McAdory, Houston, Rogers (J), Johnson (E), Minnifield, Kennedy, Newton (D), and Perdue:

H. 290. Creating the Department of Revenue Permanent Legislative Oversight Committee and providing for its duties and compensation.

COMMITTEE ON WAYS AND MEANS

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By Representatives Sanderford, Haney, Carns, Sanderson, McDaniel, Curry, Dukes, Rogers (M), Gipson, Graham, Thomas (D), Knight (A), Papucci, Allen, Townsend, Galliher, Box, Hawk, Minnifield, Lindsey, McKee, Turner, McMillan, Starkey, Baker, Smith, Wren, Seibenhener, Crigler, Hooper, Hill, Jorgensen, Gaston, Burke, Morrison, Guin, Sims, Moore, Fuller, Hammett, Flowers, Clark (J), Parker (T), Dolbare, Warren, Boyd, Black (M), Hinshaw, Gaines, Hall (A), Hogan, Maull, Hamilton, Payne, Johnson (E), Houston, McAdory, Morton, Newton (D), Kennedy, Buskey, Clark (W), Newton (C), Carothers, Johnson (R), Rogers (J), Collins, Venable, Clouse, Layson, Turnham, Vance, Jackson, Hayden, Knight (J), McClammy, Carter, Robinson, Morrow, Murphree, Millican, Mitchell, Dean, Reed, and Perdue:

H. 291. To amend Section 16-1-25 of the Code of Alabama 1975, relating to access at school facilities by military recruiting representatives, to further provide that representatives of the United States Armed Services be allowed reasonable access at public institutions of higher education in this state for recruitment purposes.

COMMITTEE ON MILITARY AFFAIRS

By Representative Wren:

H. 292. To amend Section 37-1-3 of the Code of Alabama 1975, relating to the Public Service Commission; and to provide further for the terms of office of its members.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Crigler, Clark (W), and McKee:

H. 293. To amend Sections 17-7-1 and 17-8-2.1, Code of Alabama 1975, as amended by Act No. 95-786, 1995 Regular Session, relating to the conditions under which a political party may have its name placed on a statewide and local ballot, to reduce the number of signatures required from three percent to one percent of the electors who voted in the previous election.

COMMITTEE ON WAYS AND MEANS

By Representatives Houston, Rogers (J), Jackson, Newton (D), McAdory, McKee, Hilliard, Perdue, Hayden, Black (L), Knight (J), McClammy, Baker, Minnifield, and Boyd:

H. 294. To provide for a distinctive motor vehicle license tag or plate for members and supporters of fraternities and sororities; to prescribe the fees for the tags or plates; to provide for disposition of the net proceeds from the fees; to create the Alabama Fraternity/Sorority Scholarship Committee and Fund; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives Houston, Johnson (E), Rogers (J), Perdue, Hayden, Boyd, and Minnifield:

H. 295. To provide a civil remedy for the abatement of drug-related nuisances; to make legislative findings; to define certain terms; to set out adverse impacts of drug-related nuisances; to require notice to owners of property where drug-related nuisances occur; to provide jurisdiction in circuit courts; to provide standing to certain officials and private parties who may institute drug-related nuisance proceedings; to provide for hearings on preliminary injunctions; to provide for ex parte restraining orders, civil penalties, and protection of witnesses; to provide that a drug conviction not be required; to provide for security bonds and limitations thereof; to permit use of evidence of the general reputation of the property of the defendant to prove nuisance to authorize judgments and remedies; to define burden of proof required; to prohibit punitive damages; to set out factors which may be considered in determining existence of a drug nuisance; to provide for punishment for contempt and for violations of court orders; to provide for cancellation of court orders and circumstances therefor; to provide for award of costs and attorney fees for frivolous and bad faith proceedings brought by private parties; and to provide for severability.

COMMITTEE ON JUDICIARY

By Representatives Guin, Hill, Petelos, Gipson, Knight (A), Thomas (D), Black (M), Sims, Hall (L), Galliher, Carns, McDaniel, Rogers (M), Hogan, Papucci, Curry, Allen, Gaston, Morrow, Page, Robinson, Sanderson, Burke, Hooper, Dean, Clouse, McKee, Wren, Graham, Vance, Turner, Seibenhener, Maull, and Fuller:

H. 296. To amend Section 13A-6-21; to provide that a person who, with intent to cause physical injury and to prevent a peace officer or emergency medical personnel or firefighter from performing a lawful duty, causes physical injury to any person commits assault in the second degree; and to provide that a person who, with intent to cause physical injury to a teacher or other public school employee causes physical injury to any person commits assault in the second degree; and to provide felony penalties.

COMMITTEE ON JUDICIARY

By Representative Gipson:

H. 297. To amend Section 12-15-30 of the Code of Alabama 1975, relating to the jurisdiction of the juvenile courts of Alabama, and Section 15-19-1 of the Code of Alabama 1975, relating to youthful offenders; to provide that a child or a person under the age of 21, who is charged with a crime which involved the use of a deadly weapon or a drug trafficking offense shall be tried as an adult.

COMMITTEE ON JUDICIARY

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By Representatives Turner, Drake, Rogers (J), Knight (J), Hilliard, and Reed:

H. 298. Proposing an amendment to the Constitution of Alabama of 1901, to provide that public officials may participate in the Employees' Retirement System of Alabama in lieu of participating in a supernumerary program or system.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representatives Reed, Fuller, and Curry:

H. 299. To make an appropriation of \$3,968,250 from the Education Trust Fund for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1997, and to require an operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller, Curry, Burke, and Parker (T):

H. 300. To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1997.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller, Curry, Burke, Parker (T), and Newton (D):

H. 301. To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1997.

COMMITTEE ON WAYS AND MEANS

By Representatives Curry, Fuller, Burke, Parker (T), Jorgensen, Haney, Graham, Allen, Boyd, Newton (D), and Hayden:

H. 302. To make an appropriation of \$1,049,579 from the Education Trust Fund for the support and maintenance of the cerebral palsy education program for the year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Kennedy, Parker (T), Jorgensen, Haney, Graham, Townsend, Boyd, Newton (D), and Hayden:

H. 303. To make an appropriation of \$13,041 from the State General Fund to the Alabama's Junior Miss Pageant for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller, Curry, Parker (T), Haney, Graham, Allen, Newton (D), and Hayden:

H. 304. To make an appropriation of \$42,761 from the State General Fund to the Tri-Rivers Waterway Development Authority for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller, Curry, Burke, Parker (T), Kennedy, Jorgensen, Haney, Graham, Townsend, Allen, Boyd, Newton (D), and Hayden:

H. 305. To make an appropriation of \$69,650 from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Haney, Fuller, Burke, Parker (T), Kennedy, Jorgensen, Graham, Allen, Boyd, Newton (D), and Hayden:

H. 306. To make an appropriation of \$2,500,000 from the Education Trust Fund to Constitution Hall Village at Huntsville, Alabama, for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Haney, Burke, Parker (T), Newton (D), Graham, Allen, and Boyd:

H. 307. To make an appropriation of \$18,600 from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller, Curry, Burke, Parker (T), Kennedy, Haney, Newton (D), Graham, Allen, and Boyd:

H. 308. To make an appropriation of \$417,540 from the Education Trust Fund for the support and maintenance of Talladega College for the fiscal year ending September 30, 1997, and to require an operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller, Curry, Parker (T), Kennedy, Haney, Graham, Townsend, Allen, Boyd, Newton (D), and Hayden:

H. 309. To make an appropriation of \$100,000 from the Education Trust Fund to Educational Resources, Inc. for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller, Curry, Burke, Parker (T), Kennedy, Haney, Graham, Boyd, Newton (D), and Allen:

H. 310. To make an appropriation of \$17,681 from the Education Trust Fund to the Alabama YMCA Youth and Government for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller, Curry, Burke, Parker (T), Kennedy, Haney, Graham, Boyd, Newton (D), and Hayden:

H. 311. To make an appropriation of \$441,912 from the Education Trust Fund for the support and maintenance of Marion Military Institute for the fiscal year ending September 30, 1997, and to require an operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller, Curry, Burke, Parker (T), Kennedy, Haney, Graham, Allen, Boyd, Newton (D), and Hayden:

H. 312. To make an appropriation of \$106,250 from the Education Trust Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Kennedy, Parker (T), Mitchell, Jorgensen, Haney, Graham, Boyd, Newton (D), and Hayden:

H. 313. To make an appropriation of \$295,305 from the Education Trust Fund and \$52,500 from the State General Fund to the AIDS Task Force of Alabama, Incorporated, for the fiscal year ending September 30, 1997, for educational programs and services to help prevent the spread of AIDS and to require an operations plan and an audited financial statement.

COMMITTEE ON WAYS AND MEANS

By Representatives Curry, Burke, Parker (T), Kennedy, Haney, Graham, Allen, Boyd, Newton (D), Hayden, and Guin:

H. 314. To make an appropriation of \$35,050 from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Curry, Burke, Parker (T), Kennedy, Haney, Newton (D), Graham, Allen, and Boyd:

H. 315. To make an appropriation of \$42,500 from the State General Fund to the Parkinson Association of Alabama for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller, Curry, Burke, Parker (T), Kennedy, Haney, Newton (D), Graham, Allen, Boyd, and Hayden:

H. 316. To make an appropriation to the Department of Public Health from the Education Trust Fund in the amount of \$14,371,144 for the fiscal year ending September 30, 1997, and to make a conditional appropriation to the Department of Public Health in the amount of \$2,195,342 from the Education Trust Fund for the fiscal year ending September 30, 1997, for educational purposes.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller, Curry, Burke, Parker (T), Haney, Graham, Allen, Newton (D), and Hayden:

H. 317. To make an appropriation of \$45,000 from the Education Trust Fund to the Kate Duncan Smith DAR School for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Kennedy, Burke, Parker (T), Haney, Newton (D), Graham, Boyd, and Hayden:

H. 318. To make an appropriation of \$20,000 from the Education Trust Fund to the Exploreum Museum of Discovery for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller, Curry, Burke, Parker (T), Kennedy, Jorgensen, Haney, Graham, Townsend, Allen, Boyd, and Hayden:

H. 319. To make an appropriation of \$142,600 from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Kennedy, Fuller, Burke, Parker (T), Mitchell, Haney, Graham, Townsend, Allen, Boyd, Newton (D), and Hayden:

H. 320. To make an appropriation of \$582,793 from the Education Trust Fund to the Children's and Women's Hospital in Mobile, Alabama, for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Curry, Parker (T), Kennedy, Haney, Graham, Townsend, Allen, Boyd, Newton (D), and Hayden:

H. 321. To make an appropriation of \$301,317 from the Education Trust Fund and an appropriation of \$572 from Local Funds to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1997.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller, Curry, Burke, Parker (T), Kennedy, Jorgensen, Haney, Graham, Townsend, Allen, Boyd, Hayden, and Guin:

H. 322. To make an appropriation of \$359,674 from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller, Curry, Burke, Parker (T), Haney, Graham, Boyd, and Hayden:

H. 323. To make an appropriation of \$61,853 from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller, Burke, Parker (T), Kennedy, Haney, Graham, Allen, Boyd, Newton (D), and Hayden:

H. 324. To make an appropriation of \$1,180,196 from the Education Trust Fund to the East Alabama Child Development Center for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller, Curry, Burke, Parker (T), Haney, Graham, Boyd, and Hayden:

H. 325. To make an appropriation of \$73,442 from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Curry, Burke, Parker (T), Kennedy, Jorgensen, Haney, Graham, Townsend, Allen, Boyd, and Hayden:

H. 326. To make an appropriation of \$150,000 from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller, Curry, Burke, Parker (T), Kennedy, Haney, Graham, and Hayden:

H. 327. To make an appropriation of \$1,382,112 from the Education Trust Fund for the support and maintenance of the sickle cell education program for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

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By Representatives Fuller, Curry, Burke, Parker (T), Haney, Graham, Allen, Newton (D), and Hayden:

H. 328. To make an appropriation of \$49,933 from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller, Curry, Burke, Parker (T), Kennedy, Jorgensen, Haney, Graham, Townsend, Allen, Boyd, and Hayden:

H. 329. To make an appropriation of \$25,262,924 from the Education Trust Fund, an appropriation of \$2,620,000 from the Driver Impaired Trust Fund, and an appropriation of \$88,958,186 from Federal and Local Funds to the Department of Rehabilitation Services for the fiscal year ending September 30, 1997.

COMMITTEE ON WAYS AND MEANS

By Representatives Haney, Burke, Parker (T), Kennedy, Jorgensen, Newton (D), Graham, and Hayden:

H. 330. To make an appropriation of \$381,534 from the Education Trust Fund to the Space Science Exhibit Commission for the fiscal year ending September 30, 1997, for educational purposes.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller, Curry, Burke, Parker (T), Kennedy, Haney, Newton (D), Graham, and Hayden:

H. 331. To make an appropriation of \$307,615 from the Education Trust Fund to the Helen Keller Eye Research Foundation for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller, Curry, Burke, Parker (T), Kennedy, Jorgensen, Haney, Newton (D), Graham, Allen, Boyd, Guin, and Hayden:

H. 332. To make an appropriation of \$291,593 from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1997, and to require an operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Curry, Burke, Parker (T), Kennedy, Haney, Graham, Townsend, Allen, Newton (D), and Hayden:

H. 333. To make an appropriation of \$343,804 from the Education Trust Fund for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Kennedy, Parker (T), Jorgensen, Haney, Graham, Townsend, Boyd, Newton (D), and Hayden:

H. 334. To make an appropriation of \$56,347 from the State General Fund to the America's Junior Miss Pageant for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Haney, Burke, Parker (T), Kennedy, Newton (D), Graham, Boyd, and Hayden:

H. 335. To make an appropriation of \$100,000 from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Curry, Burke, Parker (T), Jorgensen, Haney, Graham, Townsend, Allen, Boyd, and Newton (D):

H. 336. To make an appropriation of \$325,000 from the State General Fund to the Alabama Kidney Foundation, Inc. for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Curry, Fuller, Burke, Parker (T), Kennedy, Haney, Graham, Townsend, Boyd, and Newton (D):

H. 337. To make an appropriation of \$300,000 from the Education Trust Fund to the Birmingham Children's Theatre for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

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By Representatives Fuller, Curry, Burke, Parker (T), Kennedy, Haney, Graham, Townsend, Allen, Boyd, Wren, and Newton (D):

H. 338. To make an appropriation of \$850,000 from the Education Trust Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller, Curry, Burke, Parker (T), Kennedy, Haney, Graham, Boyd, and Newton (D):

H. 339. To make an appropriation of \$129,081 from the Education Trust Fund to the Alabama League for the Advancement of Education for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller, Curry, Burke, Parker (T), Kennedy, Haney, Graham, Allen, Boyd, and Newton (D):

H. 340. To make an appropriation of \$206,225 from the Education Trust Fund for the support and maintenance of Lyman Ward Military Academy for the fiscal year ending September 30, 1997, and to require an operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller, Curry, Burke, Parker (T), Kennedy, Jorgensen, Haney, Graham, Allen, Boyd, and Newton (D):

H. 341. To make an appropriation of \$47,408,615 from the Education Trust Fund and an appropriation of \$685,665 from Federal and Local Funds to the Department of Youth Services for the fiscal year ending September 30, 1997.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller, Curry, Burke, Parker (T), Kennedy, Haney, Newton (D), Graham, Allen, and Boyd:

H. 342. To make an appropriation of \$47,000 from the Education Trust Fund to the Black Belt Human Resource Development Center for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Haney, Burke, Parker (T), Graham, Boyd, and Newton (D):

H. 343. To make an appropriation of \$100,000 from the Education Trust Fund to the Epilepsy Foundation of North and Central Alabama for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Hammett:

H. 344. To authorize the Alabama National Guard to enter into an interstate compact to assist others in drug interdiction, counter-drug activities, and demand reduction; and to provide for its purposes, member parties, organization, structure, powers, and duties.

COMMITTEE ON STATE ADMINISTRATION

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 29. COMMENDING THE LATE PRESS THORNTON, SR., UPON HIS INDUCTION INTO THE 1996 WIREGRASS HALL OF FAME.

Also:

H.J.R. 31. COMMENDING LINDA HENDRIX, OF LEEDS, ALABAMA, ON HER SELECTION AS 1995 CITIZEN OF THE YEAR.

Also:

H.J.R. 33. COMMENDING ERIC GROOM OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 34. COMMENDING PAUL SANDERS OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 40. CONGRATULATING THE ALEXANDRIA VALLEY CUBS ON THEIR HIGH SCHOOL 4A FOOTBALL CHAMPIONSHIP.

Also:

H.J.R. 41. HONORING THE LIFE AND LEGACY OF YITZHAK RABIN.

Also:

H.J.R. 42. MOURNING THE DEATH OF MR. ADOLPH WEIL, JR., OF MONTGOMERY, ALABAMA.

Also:

H.J.R. 43. MOURNING THE DEATH OF DAVID ZACK ROLEN OF MONTGOMERY, ALABAMA.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 47. COMMENDING PATRICK FREEMAN OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 48. COMMENDING EDDIE EVANS OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 51. COMMENDING SCOTT BASDEN OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 52. COMMENDING CODY GROSS OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 53. COMMENDING MICHAEL WILLIAMS OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 54. COMMENDING JOHN WITT OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 56. COMMENDING CHRIS THORNTON OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 57. COMMENDING JON THOMPSON OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 58. COMMENDING KEITH HUMPHREY OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 59. COMMENDING ISRAEL RAYBON OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

McDOWELL LEE
Secretary

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Hilliard:

H.R. 85. COMMENDING TAMARA JENKINS AS PAST PRESIDENT OF THE ALABAMA YOUNG DEMOCRATS.

Also:

The following resolutions were introduced:

By Representatives Kennedy, Buskey, Clark (W), Mitchell and Newton (D):

H.J.R. 86. MOURNING THE DEATH OF ESCOUS B. GOODE, M.D., OF MOBILE, ALABAMA.

The resolution, H.J.R. 86, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hilliard:

H.J.R. 87. COMMENDING TAMARA JENKINS AS PAST PRESIDENT OF THE ALABAMA YOUNG DEMOCRATS.

The resolution, H.J.R. 87, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Sanderford, McKee, Haney, Hall (A), Hinshaw, Hall (L), Jorgensen and Papucci:

H.J.R. 88. HONORING LEE WOODWARD UPON HIS RETIREMENT AS EDITOR OF THE HUNTSVILLE NEWS.

The resolution, H.J.R. 88, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Sanderford, McKee, Haney, Hall (A), Hinshaw, Hall (L), Jorgensen and Papucci:

H.J.R. 89. URGING CITIZENS AND PUBLIC OFFICERS OF THE STATE TO FERVENTLY OBSERVE NATIONAL PEARL HARBOR REMEMBRANCE DAY.

The resolution, H.J.R. 89, was read and referred to the Standing Committee on Rules.

Also:

By Representative Carns:

H.R. 90. RECOGNIZING THE COMMERCIAL RELATIONSHIP BETWEEN ALABAMA AND TAIWAN.

The resolution, H.R. 90, was read and referred to the Standing Committee on Rules.

REPORT FILED

Pursuant to House Joint Resolution 382, Act No. 438, Regular Session of the 1995 Legislature, Representative John Rogers, Chairman, submitted the Report of the Interim Advisory Committee on Retirement, and the report was ordered filed.

ADJOURNMENT

On motion of Representative Hammett, the House adjourned until 2:00 o'clock p.m., Wednesday, February 21, 1996.

THIRD DAY

**House of Representatives
Montgomery, Alabama
Wednesday, February 21, 1996**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Chaplain Curtis Browder, Founder of Faith Crusades Ministries of Birmingham, Montgomery, Atlanta and Verbena, specializing in drug rehabilitation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Anna Lingo, 10th Grade, Houston County High, Columbia, Alabama and Hart Benton, 10th Grade, Lee High School, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the second legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the second legislative day was dispensed with.

H. 249 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 249, from the Standing Committee on Ways and Means to the Standing Committee on Tourism, Entertainment and Sports.

LEAVE OF ABSENCE

At the request of Representative Hammett, leave of absence was granted for Representative Newton (D).

RESOLUTION

The following resolution was introduced:

By Representatives Hammett, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.J.R. 91. MOURNING THE DEATH OF SAM LETSON OF MOULTON, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the death of our friend and colleague, Sam Letson, of Moulton, Alabama, February 8, 1996, at the age of 55 years; and

WHEREAS, Representative Letson, a member of the Alabama House of Representatives, served from 1978 to 1982, and continuously since 1990 until his lamentable death, was known statewide for his significant and positive impact, not only upon state government, but in both Lawrence and Winston Counties where he served with eminence and great dedication; and

WHEREAS, a farmer and stockbroker, Representative Letson attended Calhoun Community College, and was a faithful member of Moulton Church of Christ; and

WHEREAS, Representative Letson had been most particularly active in his work to honor Alabama Olympian Jesse Owens, Oakville, Alabama, and served as a worthy role model for all professionals; and

WHEREAS, highly respected and admired by his colleagues and associates, Representative Letson was indeed a warm and caring public servant who greatly influenced and inspired all those whose lives he touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Representative Sam Letson of Moulton, Alabama, and extend our very deepest sympathy to his wife, Linda Jo; children, Marilyn Letson, Sudonda Engle, Greg Letson, and Samantha Smith; stepchildren, Craig and Leah Gillespie; and to other family members, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Hammett, the rules were suspended and the resolution, H.J.R. 91, was adopted.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 10:00 o'clock a.m. on Thursday, February 22, 1996, and the motion was adopted.

RESOLUTION

The following resolution was introduced:

By Representative Burke:

H.J.R. 92. INVITING OLYMPIC GOLD MEDALIST JENNIFER CHANDLER JONES TO ADDRESS THE ALABAMA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Olympic Gold Medalist, Jennifer Chandler Jones is hereby most respectfully requested to address a joint session of the Alabama Legislature on February 22, 1996, at a time to be agreed upon.

BE IT FURTHER RESOLVED, That the Clerk of the Alabama House of Representatives, by copy of this resolution, shall advise Ms. Jones of this invitation and of our hopeful anticipation of her acceptance.

On motion of Representative Burke, the rules were suspended and the resolution, H.J.R. 92, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 76. COMMENDING JERRY BROWN--A NINTH GENERATION FOLK POTTER.

WHEREAS, the Alabama Legislature congratulates Jerry Brown, a resident of Hamilton, Alabama, and ninth generation potter, who has been honored as a "National Heritage Fellow" for the excellence of his craft, and who is one of only a handful of traditional potters in the nation; and

WHEREAS, a distinguished honor which reflects positively upon our state, community and citizens, Mr. Brown was selected from 20 Alabama entrepreneurs, and more than 200 vendors by "Quest for America's Best - 50 in 50 Tour," to sell 1500 pitchers to a national market; and

WHEREAS, Mr. Brown was also the recipient of the prestigious Heritage Award presented by the Smithsonian Institute in Washington, D.C., in 1992, as well as many awards and prizes at various festivals, and was the subject of two documentaries made by the Alabama State Arts Council; and

WHEREAS, we further note that several articles and feature stories, both for print and television media, have been made featuring Mr. Brown and Blue, the mule, who grinds the clay he uses for making pottery; and

WHEREAS, the people of Hamilton are fortunate to be served by an institution of the caliber of Brown's Pottery, that has proven itself to be a healthy and positive force within the community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Jerry Brown is applauded for offering quality community service to the people of Hamilton, Alabama, for nine generations and, by copy of this resolution, conveyed sincere best wishes for continued success in the future.

On motion of Representative Carter, the resolution, H.J.R. 76, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 77. COMMENDING THE SAKS HIGH SCHOOL GIRLS' VOLLEYBALL TEAM ON WINNING THE 1995 CLASS 5A STATE CHAMPIONSHIP.

WHEREAS, the 1995 Saks High School Girls' Volleyball Team has won the 1995 Class 5A State Volleyball Championship, and in recognition thereof, the team members, the members of the coaching staff, and all of those individuals associated with the team are deserving of special commendation; and

WHEREAS, enjoying a season record of 48 wins and 10 losses, and the first Saks team to win this honor, team members Kim Waters, Shelley Childs, Kay Waters, Brandi Edwards, Heather Treadaway, Lindsay Roberts, Keitha Garmon, Shelley Borders, Briana Williams, Whitney Miller, Christy Lusk, Nicole Dieckow, and Ashley Montgomery have demonstrated outstanding athletic ability and good sportsmanship; and

WHEREAS, scorekeeper, Jennifer Wright, and linesman, Frank Treadaway, exhibited dedication and commitment, as well as eagerness to help others in support of the team and coaches; and

WHEREAS, Assistant Coaches Dee Ingram, Kara Borders, and Amy Bently devoted countless hours to develop the fullest potential of the players, and Coach Randy Law, through his exemplary leadership ability, guided the team to a winning season; and

WHEREAS, we hereby acknowledge and applaud the superb achievement of the Saks High School Girls' Volleyball Team on winning the 1995 Class 5A State Volleyball Championship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the 1995 Saks High School Girls' Volleyball Team, and coaching staff, is honored for their outstanding achievement, and do further direct that a copy of this resolution be presented to Coach Randy Law for appropriate school display.

On motion of Representative Carter, the resolution, H.J.R. 77, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 81. NAMING THE "EDDIE MARTIN PARKWAY" IN ST. CLAIR COUNTY, ALABAMA.

WHEREAS, in its desire to recognize outstanding achievement, the Alabama Legislature notes with sincere pleasure that native Alabamian Eddie Martin is the holder of the world speed record for wreckers, 109.330 miles per hour, which was set in August 1979, at the Talladega International Speedway Track;

WHEREAS, as a longtime veteran of stunt driving and racing, Mr. Martin came out of retirement to post the record-breaking time, driving a custom made wrecker for the race and for the record; and

WHEREAS, a resident of Pell City in St. Clair County, Eddie Martin currently serves as vice president of Auto Daredevils, an organization of 110 employees with five touring and units which travel the entire United States, Mexico, and Puerto Rico; and

WHEREAS, during 25 years of successful driving, Mr. Martin, in addition to his recent world record is a five-time National Champion and holds official titles as National Point Champion, Canadian Champion, and Ohio State Champion; and

WHEREAS, throughout his long and colorful career, Eddie Martin has brought much fame and honor to his hometown and to the entire State of Alabama, both as a champion and as a beloved and highly respected competitor who came to be known as the "Racing Man's Driver"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate that portion of County Highway 174 in St. Clair County from Highway 231 to Highway 411, as the "Eddie Martin Parkway" in honor of Mr. Martin.

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers designating that portion of County Highway 174, the "Eddie Martin Parkway."

On motion of Representative Carter, the resolution, H.J.R. 81, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 84. CONGRATULATING THE DALEVILLE HIGH SCHOOL JROTC WARHAWK RIFLE TEAM ON ITS STATE CHAMPIONSHIP.

WHEREAS, 1995 was a phenomenal year for the Daleville High School JROTC Warhawk Rifle Team, which captured its third straight Alabama State Championship in both the air rifle and .22-caliber smallbore divisions; and

WHEREAS, under the skillful leadership of Retired Lieutenant Colonel Jim Duhaime, senior JROTC instructor and rifle team coach, the Warhawk Rifle Team scored 1,096 points in the air rifle division, and 2,162 points in smallbore to capture the state championship; and

WHEREAS, rifle shooting has been an Olympic event since the inception of the Olympic games, and requires year-round practice, competition in a standing or kneeling position for long periods of time, and the shooter's untiring efforts and countless hours of hard work, diligence, and great perseverance to perfect the requirements to win; and

WHEREAS, contributing to the outstanding accomplishments of the 1995 Daleville High School JROTC Warhawk Rifle Team are Mike Isbill, men's air rifle champion; Ginny Higgins, women's air rifle and smallbore state champion; B. J. Cordle, James Spears, LaShay Maynor, Paul Camp, Sean Camp, Bryan Lindsey, and Ivan Marte; and

WHEREAS, the citizens of Daleville, and surrounding communities, supporters of the JROTC Warhawk Rifle Team, students, alumni, and friends are justly proud of the accomplishments of this team, and wish to express their appreciation and continued support; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, and in expression of pride that is shared statewide, we hereby most highly commend and congratulate the Daleville High School JROTC Warhawk Rifle Team on its third straight Alabama State Championship, and do further direct that copies of this resolution be forwarded to Coach Duhaime for appropriate presentation and school display.

On motion of Representative Carter, the resolution, H.J.R. 84, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 86. MOURNING THE DEATH OF ESCOUS B. GOODE, M.D., OF MOBILE, ALABAMA.

WHEREAS, herein noted with profound sorrow and regret is the death of Escous Blackwell Goode, M.D., on January 14, 1996, at 93 years of age; and

WHEREAS, Dr. Goode, a 93-year-old physician who spent his last moments caring for another, died shortly after attending the funeral for former Dillard University President Broadus Nathaniel Butler, and while walking arm-in-arm with Dr. Yvonne Kennedy, President of Bishop State Community College, and Representative for Mobile District 97 for the State of Alabama; and

WHEREAS, Dr. Goode began his early education at Emerson Institute, graduated from Talladega College in 1924, earned his Medical Degree from Meharry Medical College in 1928, and subsequently returned to Mobile for a long and illustrious medical career; and

WHEREAS, Dr. Goode, who began his medical profession in 1929, and retired after caring for Mobile patients for 56 years, organized and served as President of both the Gulf Coast Medical Society and Alabama Medical Association, and was often referred to as the dean of Mobile's Black medical community; he was a charter member of both the Talladega College Chapter of Omega Psi Phi Fraternity and Rho Alpha Chapter, and served as a member of the Board of Trustees of Tuskegee University, and Mobile Area Chamber of Commerce, to mention a few; and

WHEREAS, Dr. Escous B. Goode was a highly regarded member of the Mobile Community, and was the first African-American candidate to run for the Mobile County School Board in 1962, and to run for public office in the State of Alabama since 1870; he also provided invaluable leadership and support to numerous other professional and civic organizations and associations on both local and national levels, including serving on Alabama's Committee to the U.S. Commission on Civil Rights and, in 1994, was honored when city officials changed the name of Narcissa Alley to Dr. E. B. Goode Drive; and

WHEREAS, Dr. Goode's memory will be cherished by his devoted sister, Thelma Goode, and other family members who are sorely bereft in their great and sorrowful loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our deepest regret in the death of Dr. Goode, and extend our most heartfelt sympathy to his sister, for whom a copy of this resolution shall be provided with sincere condolence.

On motion of Representative Carter, the resolution, H.J.R. 86, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 88. HONORING LEE WOODWARD UPON HIS RETIREMENT AS EDITOR OF THE HUNTSVILLE NEWS.

WHEREAS, the Alabama Legislature notes the retirement of Lee Woodward from the Huntsville News which, under his leadership, has become one of the finest newspapers in the state; and

WHEREAS, Mr. Woodward was a graduate of Arab High School, received his B.A. degree from Athens College, and served his country in the United States Navy with honor during the Korean War; and

WHEREAS, Mr. Woodward began his employment as copy editor and police reporter for the Huntsville News in 1972, subsequently working as copy editor, reporter, sports writer, and assistant sports editor until he became general manager in 1977; he also held numerous other positions with the Limestone Democrat, Alabama Courier, Athens News-Courier, and The Gadsden Times, and has served as a worthy role model for all newspaper professionals; and

WHEREAS, in recognition of exemplary work performance, Mr. Woodward has won numerous Alabama Press Association and Associated Press awards for column writing and news writing and, during his editorship, received countless awards for layout and design, as well as Most Improved and three general excellence awards; and

WHEREAS, a charter member of both the Rotary Club and Huntsville Press Club, among others, Lee Woodward has indeed compiled an impressive record of career achievements and, at age 65, deserves the opportunity to enjoy some relaxation with reading and writing, along with travel and fishing with his loving wife, Gayle, two children, and four grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize Mr. Woodward upon the occasion of his retirement after many years of dedicated and responsible service to the Huntsville News and citizens of the State of Alabama, and that he be provided a copy of this resolution with sincere best wishes for continued good health and happiness in all future endeavors.

On motion of Representative Carter, the resolution, H.J.R. 88, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 87. COMMENDING TAMARA JENKINS AS PAST PRESIDENT OF THE ALABAMA YOUNG DEMOCRATS.

WHEREAS, highest commendation is hereby accorded Tamara Jenkins, who will retire as President of the Alabama Young Democrats on February 10, 1996; and

WHEREAS, Ms. Jenkins has earned the respect and admiration of her colleagues, and citizens of the State of Alabama, through her outstanding leadership with the Alabama Young Democrats; and

WHEREAS, the Alabama Young Democrats have just completed its first cycle as an established, democratic youth organization; and

WHEREAS, the Alabama Young Democrats' leadership has been committed to the success and stability of the Alabama Democratic Party; and

WHEREAS, the membership of the Alabama Young Democrats prides itself on promoting good government for the citizens of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional leadership, we hereby most highly commend Tamara Jenkins, and direct that a copy of this resolution be presented to her with highest praise and honor.

On motion of Representative Carter, the resolution, H.J.R. 87, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 89. URGING CITIZENS AND PUBLIC OFFICERS OF THE STATE TO FERVENTLY OBSERVE NATIONAL PEARL HARBOR REMEMBRANCE DAY.

WHEREAS, on December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of the armed forces of the United States stationed at Pearl Harbor, Hawaii; and

WHEREAS, more than 2,000 citizens of the United States were killed and more than 1,000 citizens of the United States were wounded in the attack on Pearl Harbor, many from the State of Alabama; and

WHEREAS, the attack on Pearl Harbor marked the entry of the United States into World War II; and

WHEREAS, the veterans of World War II and all other people of the United States commemorate December 7 in remembrance of the attack on Pearl Harbor; and

WHEREAS, commemoration of the attack on Pearl Harbor will instill in all people of Alabama and the United States a greater understanding and appreciation of the selfless sacrifice of the individuals who served in the armed forces of the United States during World War II; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge all Alabama citizens and public officers to fervently observe National Pearl Harbor Remembrance Day on December 7th each year.

BE IT FURTHER RESOLVED, That we urge all state and local agencies, and interested organizations, groups, and individuals, to fly the flag of the United States at half-staff each December 7 in honor of the individuals who died as a result of their service at Pearl Harbor.

On motion of Representative Carter, the resolution, H.J.R. 89, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.R. 90. RECOGNIZING THE COMMERCIAL RELATIONSHIP BETWEEN ALABAMA AND TAIWAN.

WHEREAS, the people of the State of Alabama enjoy a sister state relation with the people of the Republic of China on Taiwan; and

WHEREAS, commercial interaction with the Republic of China on Taiwan has grown substantially in recent years to the benefit of our state; and

WHEREAS, a democratic, multi-party political system has been smoothly established in the Republic of China on Taiwan in recent years; and

WHEREAS, the direct role of the Republic of China on Taiwan in international development programs and humanitarian relief operations has expanded significantly during the past decade, often in close coordination with our nation's own such efforts; and

WHEREAS, seven Central American countries have proposed to the Secretary General of the United Nations that a supplementary item be included in the provisional agenda of the 48th General Assembly session to consider the exceptional situation of the Republic of China on Taiwan in the international community, based on the principle of universality and in accordance with the established pattern of parallel representation by divided countries in the United Nations; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby recognize this state's on-going commercial relationship with the people of the Republic of China on Taiwan and encourage our mutual interests in an equitable and reciprocal manner; that the record of the Republic of China on Taiwan concerning her democratization at home and her humanitarian service abroad be accorded appropriate recognition by the people of this state; and that due consideration should be given by the United States to the readiness of the Republic of China on Taiwan for the latter's further contributions to and broader participation in the international community, including forums such as multilateral trade associations, humanitarian relief organizations, and the United Nations.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the appropriate representative of the Republic of China on Taiwan.

On motion of Representative Carter, the resolution, H.R. 90, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 83. AMENDING ACT 95-475, HJR 400, WHICH CREATED THE FORT MCCLELLAN JOINT INTERIM COMMITTEE TO STUDY FUTURE USES FOR FORT MCCLELLAN.

BE IT RESOLVED, That Act No. 95-475, HJR 400, 1995 Regular Session, is amended to read as follows:

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a Fort McClellan Joint Interim Committee is created to study and make recommendations on all facets of the potential future uses of the facilities following its closure. The committee shall

provide a copy of its recommendations to each member of the Alabama Delegation of the U.S. Congress and each standing congressional committee on veterans affairs, the Calhoun County Council of Elected Leaders, the Governor, and shall file a copy with the Legislature not later than the 10th legislative day of the 1997 Regular Session, at which time it shall be dissolved.

The committee shall be composed of four members of the House of Representatives and four members of the Senate, appointed by the respective presiding officers."

On motion of Representative Carter, the resolution, H.J.R. 83, was adopted.

BILLS ON SECOND READING

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 75. To amend Sections 12-15-1 and 12-15-58 of the Code of Alabama 1975, relating to children in need of supervision; to include the violation of juvenile curfew ordinances in the definition of a child in need of supervision and exclude that violation from the definition of a delinquent act; and to provide that a child being held for the violation of a municipal curfew ordinance be held in a curfew detention facility.

H. 21. To provide that the court may award joint custody to both parents if it is in the best interest of the child; to provide definitions; to provide considerations for the court in making a determination; to enumerate factors for consideration; to authorize the court to order the parents to submit a plan for consideration by the court; to provide access by both parents to certain records concerning the child; and to provide a prospective effective date.

H. 22. To amend Section 13A-10-1, Code of Alabama 1975, relating to definitions in offenses relating to obstruction of public administration, to include volunteer firefighters in the definition of "Firemen" and the fire control activities of volunteer fire departments in the definition of "Governmental Function."

H. 23. To empower certain federal law enforcement officers to enforce the laws of this state and to arrest persons violating the laws of this state.

H. 24. To amend Section 12-13-1 of the Code of Alabama 1975, relating to the jurisdiction of the probate court; to provide that the probate court shall not have the jurisdiction to change the name of a person convicted of a felony offense; and to require the person who files a petition to change his or her name to file a declaration that he or she has not been convicted of a felony offense.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 67. (With Amendments): To provide an action for civil damages for certain persons who are injured as a result of the illegal marketing of controlled substances; and to provide for damages.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 103. (With Substitute): Requiring the Code Commissioner to have acts of the Legislature and the Code of Alabama 1975 copyrighted; permitting state agencies to purchase the code and abolishing portions of the present distribution system; providing that the contract for the publishing and selling of the Code of Alabama 1975 shall not be subject to laws regarding competitive bidding contracts; providing for the determination of the price the publisher will charge for the sale of the code; providing for maintenance of distribution records, ownership, judicial action for the value of misappropriated codes, and appropriations; permitting the Code Commissioner, upon a determination by the Legislative Council, to contract for the publishing of compilations of portions of the code regarding a specific state agency; repealing provisions regarding lost or destroyed copies and distribution; amending Sections 36-13-5, 41-21-1, 41-21-4, 41-21-5, 41-21-6, 41-21-7, and 41-21-8, Code of Alabama 1975; repealing Sections 41-21-2 and 41-21-3, Code of Alabama 1975; and providing a prospective effective date for certain sections of the act.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 104. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1995 Regular Session of the Legislature as contained in the 1995 Cumulative Supplement to certain volumes of the Code and in the 1995 Replacement Volumes 11, 12A, 13, and 13A of the Code; to make corrections in certain volumes of the cumulative supplement; to specify that this adoption and incorporation constitutes a continuous systematic codification of the entire Code of Alabama 1975 and that this act is a law that adopts a code; to declare that the Code Publisher has certified it has discharged its duties regarding the replacement volumes; to expressly provide that this act does not affect any 1996 statute; and to specify the duties of the Secretary of State regarding the custody of these cumulative supplements and replacement volumes.

H. 111. Relating to the compilation of the Code of Alabama 1975, prohibiting the altering of the sense, meaning, or effect of any act by the Code Commissioner in compiling the code; permitting the performance of specified editorial work by the Code Commissioner; providing that upon the adoption and incorporation of the annual cumulative supplement and each replacement volume into the code by statute, that supplement or replacement volume would be considered as part of the entire Code of Alabama and construed in the same manner as all other portions of the code; providing that this adoption and incorporation would constitute a continuous systematic codification of the entire code; providing that the statute specifying this adoption and incorporation would be construed as a law adopting a code; and declaring certain legislative findings.

H. 229. To amend Title 13A, Chapter 6, Article 4 of the Code of Alabama 1975, relating to certain sexual offenses; to amend Section 13A-6-61 of the Code of Alabama 1975, to provide that a person sixteen years of age or older who has sexual intercourse with a female who is 12 years old or less than 12 years old is guilty of rape in the first degree; to amend Section 13A-6-63 of the Code of Alabama 1975, to provide that a person who is 16 years of age or older who has deviate sexual intercourse with a person who is 12 years old or less than 12 years old is guilty of sodomy in the first degree; to amend Section 13A-6-66 of the Code of Alabama 1975, to provide that a person 16 years of age or older who has sexual contact with a person who is 12 years old or less than 12 years old is guilty of sexual abuse in the first degree; and to further provide that common law marriage shall not be a defense to a charged offense under this article.

H. 184. To provide for the Uniform Partnership Act of 1996 with Limited Liability Partnership relating to the organization and operation of a business partnership and a limited liability partnership in Alabama; to provide generally for a partnership and a partnership agreement; to provide for the nature of a partnership and the relations of a partner to other partners, the partnership, and persons dealing with a partnership; to provide for transferees and creditors of a partner; to provide for a partner's dissociation and a partner's dissociation when a business is not wound up, and the winding up of a partnership business; to provide for conversions and mergers of partnerships; to provide for registered limited liability partnerships; to provide for the uniformity of application and construction, applicability, savings clause, composite tax returns, and taxation of a registered limited liability partnership; to repeal Sections 10-8-1 through 10-8-7; 10-8-20 and 10-8-21; 10-8-40 through 10-8-56; 10-8-70 through 10-8-73; and 10-8-90 through 10-8-103, Code of Alabama 1975; and to provide an effective date of October 1, 1996.

H. 57. To amend Section 13A-12-200.2 of the Code of Alabama 1975, to further provide for the penalties for the distribution of obscene material or the possession of obscene material with the intent to distribute or the production of obscene material for pecuniary value.

H. 61. Relating to the civil action for damages because of disparagement of a food product or commodity; amending Sections 6-5-620, 6-5-621, 6-5-623, and 6-5-624 of the Code of Alabama 1975, relating, respectively, to the legislative intent, definitions, defenses, and limitations on the cause of action for damages in disparagement actions..

H. 142. To amend Section 30-1-3, Code of Alabama 1975, to invalidate and declare void marriages between persons of the same sex.

H. 228. To amend Section 15-10-3 of the Code of Alabama 1975, relating to the arrests of a person without a warrant, to provide that a person who commits a violation may be arrested without a warrant if the arresting officer knows that a warrant has been issued for the person.

H. 166. To provide that a person who operates a motor vehicle on the public highways of this state who is involved in an accident that results in a death shall be required to submit to a test to determine the content of alcohol, amphetamines, opiates, or cannabis in his or her blood if the law enforcement officer has reasonable grounds to believe that the person was operating a motor vehicle while under the influence of these substances; to provide for a penalty for refusal to submit to a test; and provides for a due process hearing for relief from the penalties imposed.

H. 169. To amend Section 13A-11-8, Code of Alabama 1975, relating to harassment or harassing communications, to further define harassment.

H. 170. To amend Section 15-22-27.1 of the Code of Alabama 1975; relating to the parole of persons convicted of certain felonies; to provide that a person convicted of murder, rape in the first degree, sodomy in the first degree, assault in the first degree by means of a deadly weapon or a dangerous instrument, arson in the first degree, robbery in the first degree, burglary in the first degree, or kidnapping in the first degree, would not be eligible for parole.

H. 238. Authorizing a court to enter a decree of legal separation; providing for the modification or dissolution of the decree; providing for the effects of the decree in regard to certain property interests and a subsequent divorce decree; requiring the best interest of the child standard in certain instances; providing for the levying of court costs, repealing Sections 30-2-30 and 30-2-31 of the Code of Alabama 1975, regarding divorce from bed and board; and providing for a prospective effective date.

H. 117. To provide that a person who has been convicted of a crime that carries a term of imprisonment shall be detained and denied bail unless, after a hearing, a judge makes certain findings.

H. 73. To provide that a person who devises a scheme to defraud another person and communicates in any way in furtherance of this scheme is guilty of fraud; to provide that criminal fraud would be a Class C felony; to provide that reliance is not a necessary element of the offense; and to provide that puffing would not be an element of criminal fraud.

H. 91. Relating to juvenile delinquency; to amend Code of Alabama 1975: Section 12-15-53, to provide that a child alleged to be delinquent for possessing a pistol, short-barreled rifle, short-barreled shotgun, or assault weapon shall be detained in custody until the required hearing; Section 12-15-61, to provide that, subject to conditions, a child alleged or adjudicated to be delinquent may be held in a jail for up to 60 days; and Section 12-15-71, to provide that, upon a child being adjudicated delinquent for possessing a pistol, short-barreled rifle, short-barreled shotgun, or assault weapon, the weapon is forfeited and the court shall order that it be destroyed.

H. 145. Proposing an amendment to Article I, Section 16 of the Constitution of Alabama of 1901; relating to bail; to provide that the right of a defendant to pretrial release shall be as provided by law.

The above bill was read a second time at length as required by the Constitution.

H. 152. To make it unlawful to destroy or deface traffic signs or to deface public buildings or public property; to provide that parents of minors who are convicted of destroying or defacing traffic signs or defacing public buildings or public property would be liable for the actual damages caused by the minor; and to provide for penalties.

H. 153. Relating to juvenile and youthful offenders; to provide for juvenile and youthful offenders who commit what would be capital offenses if committed by an adult; to amend Section 12-15-34, Code of Alabama 1975, to provide that a child under the age of 14 years who is charged with the commission of an offense that would constitute a violation of Section 13A-5-40, Code of Alabama 1975, if committed by an adult may be transferred to criminal court for prosecution as an adult and to provide for penalties upon conviction; and to amend Section 15-19-1, Code of Alabama 1975, to provide that a defendant charged with a capital offense is not eligible for treatment as a youthful offender.

H. 242. To amend Section 13A-12-233, Code of Alabama 1975, relating to criminal enterprise for the purpose of trafficking in illegal drugs, and to prescribe the death penalty for a second conviction of engaging in a criminal enterprise for the purpose of trafficking in illegal drugs.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 155. (With Substitute): To provide for the establishment of a putative father registry by the Department of Human Resources and to provide for the content of the registry and its use in court proceedings.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 82. To provide for the revocation of the driver's license of a noncustodial parent who is six months or more delinquent in the payment of court-ordered child support by a court of competent jurisdiction.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 179. (With Amendments): To create the Alabama Board of Barber Examiners; to regulate and license barbers and barber colleges and schools; to provide for membership, duties, and powers thereof; and to provide for prohibited acts and penalties.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 234. To amend Section 9-3-18 of the Code of Alabama 1975, to provide further for certain organizations deemed to be public in nature.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 277. (With Amendment): To amend Section 31-2-60 of the Code of Alabama 1975, relating to the military department; to delete references to grade for deputy adjutants general and assistant adjutants general for the Army and Air National Guard.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 344. To authorize the Alabama National Guard to enter into an interstate compact to assist others in drug interdiction, counter-drug activities, and demand reduction; and to provide for its purposes, member parties, organization, structure, powers, and duties.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 83. (With Amendment): To amend Section 28-3-55, Code of Alabama 1975, which provides for the Cost of Evidence Fund used by the Alcoholic Beverage Control Board, to increase the amount of the fund and expand its use.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 29. To further provide for the escheat of unclaimed funds of inmates of the Department of Corrections; and to provide for the continuing appropriation of the escheated funds for the operation of the department.

H. 255. Relating to public records; to amend Sections 41-13-20, 41-13-22, and 41-13-25 of the Code of Alabama 1975; and to provide further for the composition of the State Records Commission and the Local Government Records Commission.

H. 223. To require every state agency administering a federally funded employment and training program to include in each program a priority system for serving veterans and other eligible persons and to provide for definitions.

H. 15. Relating to the Public Service Commission; amending Sections 37-1-12 and 37-1-16 of the Code of Alabama 1975, which authorize the commission to employ personnel as members of its staff using provisions of the state merit system; and repealing Sections 37-1-12.1 and 37-1-12.2 of the Code of Alabama 1975, which relate to the hiring of certain employees outside the state merit system.

H. 150. To propose an amendment to the Constitution of Alabama of 1901, as amended, to provide that no general, special, or local law, or state executive order, rule, or regulation, whose purpose or effect is to require a new or increased expenditure of funds held or disbursed by the governing body of a municipality or county, or an instrumentality thereof, shall become effective as to any municipality or county, or an instrumentality thereof, or until and as long as the Legislature appropriates funds for the purpose to the affected municipality, county, or instrumentality and only to the extent and amount the funds are provided, or until a law provides for a local source of revenue within the municipality, county, or instru-

mentality for the stated purpose and the municipality, county, or instrumentality is authorized to levy and collect the revenue; and to provide for exceptions.

The above bill was read a second time at length as required by the Constitution.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 156. To amend Section 13A-12-3 of the Code of Alabama 1975, relating to the sale or supplying of cigarettes to minors; to provide for an increase in the fine for a person convicted of selling or supplying cigarettes or cigarette products to minors.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 201. (With Substitute): Relating to pharmacists; providing for the registration and regulation of pharmacy technicians; and providing for definitions.

H. 202. (With Substitute): To exempt the official Olympic Pharmacy from the licensing requirements of the State Board of Pharmacy for the XXVI Olympiad Games.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 143. To propose an amendment to the Constitution of Alabama of 1901, relating to Cleburne County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments; providing for expenditure and accounting of the funds; providing for the tax to self-destruct upon dissolution of the Cleburne County Volunteer Fire Department Association; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

The above bill was read a second time at length as required by the Constitution.

H. 230. Proposing an amendment to the Constitution of Alabama of 1901, relating to Cherokee County, authorizing the Cherokee County Commission to levy an additional ad valorem tax for fire protection and rescue services.

The above bill was read a second time at length as required by the Constitution.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and pursuant to House Rule 35 was referred to the Standing Committee on Tourism, Entertainment and Sports:

H. 210. To amend Act No. 376 of the 1975 Legislature relating to the Greene County Racetrack and pari-mutuel wagering in Greene County to provide for televised racing events and pari-mutuel wagering on greyhound racing and horse racing; to provide for combined pari-mutuel pools and takeout for televised racing events; to levy state and local taxes on pari-mutuel wagering; to change the number of racing days; to change the hours for racing; and to repeal the admission fee.

Representative Turner, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 45. To provide that the city council or governing body of a Class 2 municipality shall meet not less than 48 times per year.

H. 94. Relating to Mobile County; exempting certain metal structures used for hunting camps, hunting clubs, or hunting lodges in the unincorporated areas of the county from the inspection requirements of county ordinances and the county building code relating to plumbing, electricity, and other utilities.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 48. Providing for distinctive motor vehicle license tags or plates for supporters of Civitan International; prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

H. 151. To amend Section 40-17-174, Code of Alabama 1975, relating to oil license fees, to provide for a one-time collection of the wholesale oil license fee.

H. 174. Relating to general provisions under contracts; to provide that a party to a contract required to reimburse another party for certain federal manufacturer's taxes has an option to time those payments to precede immediately the other party's requirement to remit such taxes to the Internal Revenue Service; to provide for a right to security under contracts for payment of such taxes; and to provide for an effective date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 178. (With Amendment): To amend Section 16-8-26 of the Code of Alabama 1975, relating to personal leave for teachers, to include support personnel and to grant five days of personal leave; to repeal Section 16-8-26.1 of the Code of Alabama 1975, relating to personal leave for support personnel; and to provide for an effective implementation date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute and amendments, and they were severally read a second time and placed on the Calendar, to-wit:

H. 245. (With Substitute) (With Amendments): Relating to institutions of higher education; defining a resident student and prescribing tuition rates for nonresident students; providing for exceptions; permitting the application of a more rigorous policy by an institution; and requiring annual audits.

H. 246. (With Substitute) (With Amendments): To amend Section 16-5-8 of the Code of Alabama 1975, to require the Alabama Commission on Higher Education to establish standards that programs offered by public two-year and four-year institutions of higher education must satisfy; to permit the commission to terminate programs failing to satisfy these standards; to provide for an appeal to a permanent legislative committee; to remove the regulatory exemption granted to certain off-campus offerings; and to provide for the creation, composition, function, and compensation of the legislative committee.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 247. (With Substitute): Relating to the Alabama Commission on Higher Education, amending Section 16-5-7 of the Code of Alabama 1975, to require the commission to develop and maintain a unit record database concerning faculty members of institutions of higher education and specifying the purposes for which the data may be used.

H. 248. (With Substitute): To amend Section 16-5-7 of the Code of Alabama 1975, to require the Alabama Commission on Higher Education to obtain specific information from each two-year and four-year public institution of higher education to establish a student unit record data system.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 244. (With Substitute) (With Amendment): Requiring public institutions of higher education to submit to the Alabama Commission on Higher Education a Facilities Master Plan and all proposals concerning capital projects; requiring the commission to review and approve these proposals; permitting the appeal of the decision of the commission to a legislative committee; providing for the creation, composition, function, and compensation of the legislative committee; placing a freeze on the inclusion of certain capital projects in the funding formula calculations; and requiring the prioritizing of capital improvement budget requests.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 9. RELATIVE TO MEETING DAYS

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 3. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF LEGISLATURE.

Also:

H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

Also:

H.J.R. 19. COMMENDING AL JACKSON OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 20. MOURNING THE DEATH OF RICHARD T. DORSEY OF PRATTVILLE, ALABAMA.

Also:

H.J.R. 22. RECOGNIZING MIDLAND CITY BAPTIST CHURCH ON ITS FIRST 100 YEARS OF CHRISTIAN SERVICE.

Also:

H.J.R. 23. COMMENDING DOUG BRADFORD UPON HIS INDUCTION INTO THE 1996 WIREGRASS SPORTS HALL OF FAME.

Also:

H.J.R. 24. COMMENDING COACH MICKEY ANDREWS UPON HIS INDUCTION INTO THE 1996 WIREGRASS SPORTS HALL OF FAME.

Also:

H.J.R. 25. COMMENDING THOMAS J. BRYAN UPON HIS INDUCTION INTO THE 1996 WIREGRASS SPORTS HALL OF FAME.

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Also:

H.J.R. 26. COMMENDING CHARLES B. COLE UPON HIS INDUCTION INTO THE 1996 WIREGRASS SPORTS HALL OF FAME.

Also:

H.J.R. 27. COMMENDING JOE ED KIRKLAND UPON HIS INDUCTION INTO THE 1996 WIREGRASS SPORTS HALL OF FAME.

Also:

H.J.R. 28. COMMENDING BETTY MIXON UPON HER INDUCTION INTO THE 1996 WIREGRASS HALL OF FAME.

Also:

H.J.R. 32. SUSTAINING THE DISAPPROVAL BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW OF THE PROPOSED REPEAL BY THE STATE REVENUE DEPARTMENT OF RULE NO. 810-2-3.03, ENTITLED "EXCLUSION OF INVESTMENT IN SUBSIDIARIES."

Also:

H.J.R. 29. COMMENDING THE LATE PRESS THORNTON, SR., UPON HIS INDUCTION INTO THE 1996 WIREGRASS HALL OF FAME.

Also:

H.J.R. 31. COMMENDING LINDA HENDRIX, OF LEEDS, ALABAMA, ON HER SELECTION AS 1995 CITIZEN OF THE YEAR.

Also:

H.J.R. 33. COMMENDING ERIC GROOM OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 34. COMMENDING PAUL SANDERS OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 40. CONGRATULATING THE ALEXANDRIA VALLEY CUBS ON THEIR HIGH SCHOOL 4A FOOTBALL CHAMPIONSHIP.

Also:

H.J.R. 41. HONORING THE LIFE AND LEGACY OF YITZHAK RABIN.

Also:

H.J.R. 42. MOURNING THE DEATH OF MR. ADOLPH WEIL, JR., OF MONTGOMERY, ALABAMA.

Also:

H.J.R. 43. MOURNING THE DEATH OF DAVID ZACK ROLEN OF MONTGOMERY, ALABAMA.

Also:

H.J.R. 47. COMMENDING PATRICK FREEMAN OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 48. COMMENDING EDDIE EVANS OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 51. COMMENDING SCOTT BASDEN OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 52. COMMENDING CODY GROSS OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 53. COMMENDING MICHAEL WILLIAMS OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

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Also:

H.J.R. 54. COMMENDING JOHN WITT OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 56. COMMENDING CHRIS THORNTON OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 57. COMMENDING JON THOMPSON OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 58. COMMENDING KEITH HUMPHREY OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 59. COMMENDING ISRAEL RAYBON OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 39. SUSTAINING THE DISAPPROVAL BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW OF THE ALABAMA STATE BOARD OF CHIROPRACTIC EXAMINERS PROPOSED AMENDMENT OF RULE NO. 190-X-2-.01, ENTITLED "GRADUATION FROM APPROVED COLLEGE REQUIRED."

Also:

H.J.R. 4. COMMENDING JOHNSTON INDUSTRIES AS RECIPIENT OF AMERICA'S TEXTILES INTERNATIONAL AWARD FOR INNOVATION.

Also:

H.J.R. 6. COMMENDING GERALD B. ANDREWS AS RECIPIENT OF THE 1995 TEXTILE LEADER OF THE YEAR.

Also:

H.J.R. 8. DESIGNATING FEBRUARY 16, 1996, AS "SEE THE GOOD FOUNDATION DAY."

Also:

H.J.R. 5. COMMENDING WELLINGTON SEARS COMPANY AS RECIPIENT OF AMERICA'S TEXTILES INTERNATIONAL AWARD FOR INNOVATION.

Also:

H.J.R. 7. COMMENDING TIM COE FOR HIS OUTSTANDING SERVICE AS 50TH PRESIDENT OF THE ALABAMA CATTLEMEN'S ASSOCIATION.

Also:

H.J.R. 35. MOURNING THE DEATH OF WILLARD WILKINS.

Also:

H.J.R. 36. CONGRATULATING THE CORDOVA BLUE DEVILS ON THEIR STATE 3-A FOOTBALL CHAMPIONSHIP.

Also:

H.J.R. 37. COMMENDING DEAN PARHAM H. WILLIAMS, JR., FOR OUTSTANDING SERVICE AS VICE PRESIDENT AND DEAN OF CUMBERLAND SCHOOL OF LAW, SAMFORD UNIVERSITY.

Also:

H.J.R. 38. MOURNING THE DEATH OF ALICE KAY WILSON OF JASPER, ALABAMA.

Also:

H.J.R. 44. COMMENDING SAM GRAHAM OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 45. COMMENDING A. J. LAMAR OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 46. COMMENDING THOMAS MOORE OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 50. HONORING THE REVEREND MICHAEL E. JACKSON AS PASTOR OF AIMWELL MISSIONARY BAPTIST CHURCH.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

H. 286 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 286, from the Standing Committee on Judiciary to the Standing Committee on State Administration.

RESOLUTIONS

The following resolutions were introduced:

By Representative Box:

H.J.R. 93. HONORING MRS. LILLIE MOSS DUNCAN ON THE OCCASION OF HER 100TH BIRTHDAY.

WHEREAS, it is with heartiest congratulations that the Legislature of Alabama extends best wishes to Mrs. Lillie Moss Duncan of Mount Vernon, Alabama, on her 100th Birthday, February 25, 1996; and

3rd Day

WHEREAS, born February 25, 1896, in a small rural community north of Chatom, Alabama, Mrs. Duncan married and moved to the Mount Vernon community in 1947; and

WHEREAS, over the years, Mrs. Duncan earned a place as one of the community's most valued citizens, and has been a good friend and neighbor to all; she has also been an active member of Mount Vernon First United Methodist Church, and Mount Vernon UMW, where she was faithful in attendance and support until she became physically unable to attend; and

WHEREAS, birthdays, of course, are special events in a person's life, and we are indeed grateful that this remarkable lady has been blessed with such a great number of them; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on this momentous occasion, heartiest congratulations are hereby extended to Mrs. Lillie Moss Duncan of Mount Vernon, Alabama, on her 100th Birthday, February 25, 1996.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mrs. Duncan as an expression of our sincere regard and warm best wishes for every future happiness and joy.

On motion of Representative Box, the rules were suspended and the resolution, H.J.R. 93, was adopted.

Also:

By Representative Bandy:

H.R. 94. POSTPONING WELFARE REFORM LEGISLATION UNTIL THE FULL IMPACT OF FEDERAL POLICY CHANGES ON FUNDING ARE KNOWN.

The resolution, H.R. 94, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

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By Representatives Hammett, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.R. 95. MOURNING THE DEATH OF SAM LETSON OF MOULTON, ALABAMA.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Collins (With Notice and Proof):

H. 345. Relating to Lamar County; to provide for the mileage allowance of the coroner.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 345, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Rogers (J) and Knight (J):

H. 346. Providing for in-state travel expenses of certain state officials and amending Section 36-7-20 of the Code of Alabama 1975.

COMMITTEE ON WAYS AND MEANS

By Representatives Rogers (J) and Johnson (E):

H. 347. To amend Sections 28-3-1 and 28-7-16, Code of Alabama 1975, relating to alcoholic beverages, to define and levy a tax on cider.

COMMITTEE ON WAYS AND MEANS

By Representative Rogers (J):

H. 348. To establish a state lottery and prescribe the terms and conditions for its operation; create an Alabama State Lottery Commission and provide for its composition, powers, and duties; provide for funding of the lottery and the disposition of the proceeds; and prescribe penalties for certain violations.

COMMITTEE ON TOURISM, ENTERTAINMENT
AND SPORTS

By Representative Hammett:

H. 349. To exempt the South Alabama Air Rescue, Inc., from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Hammett:

H. 350. To amend Article I of Chapter 4 of Title 37 of the Code of Alabama 1975, by adding a new Section 37-4-30 which would empower the Public Service Commission or Circuit Court, as appropriate, to review private contracts for electric services to existing electric customers for the purpose of determining whether the private contract is consistent with the public interest and to require the existing customer to reimburse any utility (which, for purposes of this paragraph, include utilities, utility boards and electric boards) currently providing service to an existing customer seeking to obtain electric service pursuant to a private contract for any economic costs associated with the transfer of the existing electric customer's service; to provide that these economic costs shall comprise all costs resulting from the customer transfer, including, but not limited to, stranded costs; stranded investments; severance damages; surplus generation costs; idled distribution, transmission or generation investments; purchased power or transmission contract charges or costs, increases in its remaining customer's rates due to reallocation of overhead, fixed costs and additional costs of operation; any other obligations, liabilities or additional costs imposed on the utility as a result of the discontinuance of service to the existing customer; to provide for the use of commissioners in certain instances; to provide for appeals from the Circuit Court to the Supreme Court directly; and to provide for severability.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Carothers:

H. 351. To prohibit the sale of cigarettes at below cost with intent to injure competitors or destroy or substantially lessen competition among cigarette sellers; to provide penalties for violations; and to provide for enforcement by the Commissioner of the Alabama Department of Revenue.

COMMITTEE ON WAYS AND MEANS

By Representative Carothers:

H. 352. To provide for the regulation and licensure of bona fide coin operated amusement machines; provide for master licenses and fees; to provide for refunds; to provide for grounds for reprimand or refusal to issue, suspension, or revocation of licenses; to provide for notice and hearing; to provide for judicial review and appeal; to provide for powers, duties, and authority of the State Revenue Commissioner with respect to amusement machines; to amend Section 40-23-4, Code of Alabama 1975, relating to exemptions from sales and use tax; and to provide for criminal violations and penalties.

COMMITTEE ON WAYS AND MEANS

By Representative Carothers:

H. 353. To provide for the separate regulation of the planning, installation, inspection, repairing, or testing of fire detection, fire alarm, or fire communication systems and for burglary and similar alarms; to provide for definitions of certain terms; to provide for violations and penalties; to provide for the duties and responsibilities of the State Fire Marshal; to provide for fees; to provide for the implementation of rules and regulations.

COMMITTEE ON WAYS AND MEANS

By Representative Dukes (With Notice and Proof):

H. 354. Relating to Morgan County; authorizing the governing bodies of the Cities of Hartselle, Falkville, and Decatur to regulate the operation of bingo games within their respective jurisdictions within the county and providing for penalties.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 354, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Ford, Page, and Galliher (With Notice and Proof):

H. 355. Relating to Etowah County; providing that a retiring officer of the sheriff's department receives as part of his or her retirement benefits, without cost, his or her badge and pistol; and providing for retroactive effect.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 355, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Gipson, Dean, Gaston, Clouse, Crigler, Clark (J), Vance, Guin, Hogan, Pringle, Mitchell, Flowers, Robinson, Ford, Smith, Dukes, Graham, Rogers (M), Page, Turner, and Penry:

H. 356. Providing for distinctive motor vehicle license tags or plates for supporters of Alabama Ducks Unlimited Conservation wetland programs; prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Hayden (With Notice and Proof):

H. 357. Relating to Hale County; providing for a license plate tag or decal issuance fee for motor vehicles and boats; and providing for the disposition of the fees.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 357, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative McMillan:

H. 358. To amend Sections 39-1-1, 39-1-2, 39-1-3, 39-2-1, 39-2-2, 39-2-3, 39-2-4, 39-2-5, 39-2-6, 39-2-8, 39-2-9, 39-2-10, 39-2-11, 39-2-12, 39-2-13, 39-3-1, 39-3-4, 39-5-1, 39-5-2, 39-5-3, 39-5-4, 39-5-5, 39-5-6, 41-16-20, and 41-16-50 of the Code of Alabama 1975, relating to the competitive bid laws; to incorporate and make uniform all of the competitive bid laws for public works contracts for the state and its political subdivisions; to exempt public works contracts from certain competitive bid provisions that govern all other public contracts for the state and its political subdivisions; to provide standards for awarding authorities to prequalify contractors; to provide for enforcement of the competitive bid laws for public works contracts; to provide for definitions; to increase the criminal fines; and to specifically repeal Sections 39-3-2, 39-3-3, 41-16-1, 41-16-80, 41-16-81, and 41-16-82 of the Code of Alabama 1975, relating to contractors engaged in construction of public buildings or improvements, the penalties, withdrawals by the contractor of the amounts retained from payments due the contractor pursuant to the contract, the procurement of surety bonds or insurance contracts, the execution of surety bonds or insurance contracts, and conflicts in invitations for bids and contract documents.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Willis, Clark (J), Hammett, Carter, Dukes, Newton (C), Page, Laird, Turnham, Ford, Fuller, Burke, Box, Morrison, Venable, Collins, Reed, Millican, Carothers, Johnson (R), Knight (J), McClammy, Dolbare, Black (L), Hayden, Vance, Newton (D), Guin, Bandy, Drake, Starkey, Hall (A), Robinson, Spratt, Hall (L), Maull, McAdory, Minnifield, Hawk, McDaniel, Murphree, Graham, Smith, Parker (P), Galliher, Gipson, Johnson (E), Houston, Melton, Holmes, Mitchell, Buskey, Rogers (J), Hinshaw, Hilliard, Boyd, Clark (W), Jackson, Layson, Baker, Thomas (J), Hamilton, Perdue, Kennedy, Lindsey, Hogan, Warren, White, Parker (T), Black (M), and Morrow:

H. 359. To propose an amendment to the Constitution of Alabama of 1901, to guarantee the right to hunt and fish in this state in accordance with law and to designate the amendment as the "Sportsperson's Bill of Rights."

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

The above bill was read a first time at length as required by the Constitution.

By Representatives Buskey, Hayden, Black (L), and Clark (W):

H. 360. To prohibit employers, employment agencies, labor unions, and associations from discriminating on the basis of age in hiring, job retention, compensation, and other terms and conditions of employment, and to provide for recovery of amounts owed for violations.

COMMITTEE ON JUDICIARY

By Representative Laird:

H. 361. Relating to Randolph County; proposing an amendment to the Constitution of Alabama of 1901; to validate certain laws regulating court costs.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representatives Smith, Lindsey, Collins, Morrison, Warren, Gipson, Carter, Hayden, Willis, Flowers, Robinson, Sanderford, Baker, Crigler, Jackson, Hamilton, Maull, Millican, Seibenhener, Clouse, and Sims:

H. 362. Providing for distinctive motor vehicle license tags or plates to honor cattle producers; prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Hayden (With Notice and Proof):

H. 363. Relating to Hale County; to create a license division within the Office of the Judge of Probate for the issuance of certain licenses; to provide for the selection of personnel for the license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and costs pursuant to the system of renewal of motor vehicle licenses by mail; to prescribe more convenient and efficient procedures for the assessing and collecting of certain taxes; to transfer certain duties and responsibilities now performed by the tax assessor or tax collector or any successor office to the judge of probate.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 363, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Hayden (With Notice and Proof):

H. 364. Relating to Hale County; to provide the collection and disposition of a special indexing fee.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 364, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Sims, Johnson (R), and Boyd:

H. 365. To amend Section 40-9B-3 of the Code of Alabama 1975, as amended by Act No. 95-321 of the 1995 Regular Session, relating to the Tax Incentive Reform Act of 1992; to expand the industrial or research enterprise categories which qualify for tax abatements; and to provide a retroactive effective date.

COMMITTEE ON WAYS AND MEANS

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By Representatives Sims, Johnson (R), and Boyd:

H. 366. To exempt all little league and youth baseball organizations in Talladega County from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Sims, Johnson (R), and Boyd:

H. 367. To amend Section 1 of Act No. 95-187, H. 438 of the 1995 Regular Session codified as Section 40-18-190 of the Code of Alabama 1975, relating to a credit against Alabama income tax liability with respect to income generated by expansions of certain existing businesses, and to provide a retroactive effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Payne:

H. 368. To amend Section 22-52-1.2 of the Code of Alabama 1975, relating to mental health and mental retardation; to provide for the exclusion of the home address and the telephone number of the petitioner from the copy of the petition seeking involuntary commitment provided to the respondent with exceptions.

COMMITTEE ON JUDICIARY

By Representative Dolbare:

H. 369. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Washington County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system and repealing Act No. 95-319, 1995 Regular Session.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Dolbare:

H. 370. To establish the "Family Responsibility Act of 1996; to provide for personal care homes or facilities and private care homes; to provide for companion, sitter, or personal care tasks; and to provide for definitions.

COMMITTEE ON HEALTH

By Representatives Hall (L), Graham, Galliher, Page, Boyd, Maull, Mitchell, Kennedy, Knight (J), Fuller, Box, Hill, and Rogers (M):

H. 371. Providing for a policy for prevention of sexual harassment for state employees.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Penry and McMillan:

H. 372. To authorize a compact to be known as "The Interstate Compact on Agricultural Grain Marketing" to promote and encourage the comprehensive and continuing studies and investigations of agricultural grain marketing practices, procedures, and controls and their relationship to and effect upon the citizens and economies of the member states; to provide for recommendations shall be made for the correction of weaknesses and solutions to problems in the present system of agricultural grain marketing or the development of alternatives to the present system; to provide for membership in the Interstate Agricultural Grain Marketing Commission; and to provide for the organization, structure, financing and the powers and duties of the commission.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representatives Penry and McMillan:

H. 373. To exempt Polo at the Pointe from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Penry:

H. 374. Relating to the issuance of a special events license to sell alcoholic beverages; amending Section 28-3A-20 of the Code of Alabama 1975, to remove the minimum advance application period.

COMMITTEE ON WAYS AND MEANS

By Representative Dolbare:

H. 375. To amend Section 41-9-335, Code of Alabama 1975; to increase the membership of the board of trustees of the St. Stephens Historical Commission; to provide that the additional members would be appointed by the Washington County Legislative Delegation and at least one of the new appointees shall be African American; and to provide for the terms of the new appointees.

COMMITTEE ON STATE ADMINISTRATION

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By Representatives Sanderson, Thomas (D), Clouse, Carns, Hooper, Turner, Johnson (R), Fuller, Gaston, Allen, and Guin:

H. 376. To provide for retroactive exemption of denominational and non-denominational church camps from the payment of all state, county, and municipal sales and use taxes on meals sold in the church camp cafeteria; from state, county, and municipal amusement taxes for admission to and rental of facilities and properties; and from any privilege, county, or license tax imposed as a result of furnishing lodgings or rooms for visitors for a continuous period of 30 days or less.

COMMITTEE ON WAYS AND MEANS

By Representative Newton (D):

H. 377. To amend Act No. 95-280, 1995 Regular Session, now appearing as Section 9-15-82, Code of Alabama 1975, to exempt transfers of real property from the state, or certain kinds of agencies, institutions, and components thereof to municipalities and counties or to boards, authorities, or agencies thereof or to non-profit corporations controlled by directors who are municipal or county officers, or who are appointed by the governing bodies of municipalities or counties, by members of the State Legislature, the Governor, or other state officials, and to permit such transfers by agreement if approved by the Governor.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Morrison and Smith:

H. 378. Relating to motor vehicle distinctive license tags or plates; to amend Section 32-6-302 of the Code of Alabama 1975, relating to the issuance of distinctive license tags or plates to certain educators and retired educators; to allow spouses of the educators to purchase the distinctive license tags or plates; to further provide for distinctive motor vehicle license tags or plates for members of the Most Worshipful Grand Lodge of the Free and Accepted Masons of the State of Alabama, Scottish Rite Masons, emergency medical technicians, supporters of the Alabama Boy Scouts Stewardship Education Committee, and the Alabama Girl Scouts; to provide for the fees for the distinctive license tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 379. To amend Section 12-17-81, Code of Alabama 1975, relating to the salary of the circuit clerks and registers, to provide further for the compensation.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller, Clark (J), Hammett, Curry, Turnham, Hawkins, Kennedy, Parker (T), Haney, Penry, Starkey, Morton, Burke, Thomas (J), Rogers (J), McDaniel, Wren, McMillan, Gipson, Vance, Robinson, Hooper, Johnson (E), Millican, Dean, Townsend, Smith, Boyd, Galliher, Hall (L), and McKee:

H. 380. To amend Section 32-5A-191 and Section 32-5A-194 of the Code of Alabama 1975, as amended by Act No. 95-784, S. 338, 1995 Regular Session (Acts 1995, p. 1862), relating to driving under the influence of alcohol and drugs; to prohibit the operation of a motor vehicle by a person under the age of 21 years who has .02 percent or more by weight of alcohol in his or her blood.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller, Clark (J), Hammett, Curry, Turnham, Hawkins, Kennedy, Knight (J), Parker (T), Carothers, Haney, Penry, Starkey, Morton, Burke, Thomas (J), Rogers (J), McDaniel, Wren, McMillan, Gipson, Vance, Robinson, Hooper, Johnson (E), Millican, Dean, Carns, Townsend, Smith, Boyd, Galliher, Hall (L), and McKee:

H. 381. To amend Section 32-6-49.13, Code of Alabama 1975, to require that a chemical test be administered if a law enforcement officer has probable cause to believe that a commercial vehicle driver is operating a commercial motor vehicle while having alcohol or drugs in his or her system.

COMMITTEE ON WAYS AND MEANS

By Representative Dukes:

H. 382. To amend Section 36-27-51 of the Code of Alabama 1975, to reopen the Employees' Retirement System of Alabama to allow certain local employees to purchase credit for certain prior service rendered to nonparticipating employers eligible for participation in the system.

COMMITTEE ON WAYS AND MEANS

By Representative Dukes:

H. 383. Relating to animals; to provide for the sterilization of all dogs and cats and penalties for violations.

COMMITTEE ON PUBLIC WELFARE

By Representatives Millican and Galliher:

H. 384. To amend Section 14-2-15, Code of Alabama 1975, to provide that officers and guards in the state prison system shall have the same arrest powers throughout the state as state troopers.

COMMITTEE ON JUDICIARY

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By Representatives Fuller, Clark (J), Hammett, Curry, Turnham, Hawkins, Kennedy, Knight (J), Parker (T), Carothers, Haney, Penry, Starkey, Morton, Burke, Thomas (J), Rogers (J), McDaniel, Wren, McMillan, Gipson, Vance, Robinson, Hooper, Morrison, Johnson (E), Millican, Dean, Carns, Townsend, Smith, Boyd, Galliher, Hall (L), and McKee:

H. 385. To amend Section 32-5A-191 and Section 32-5A-194 of the Code of Alabama 1975, as amended by Act No. 95-784 S. 338, 1995 Regular Session (Acts 1995, p. 1862), relating to driving under the influence of alcohol and drugs; to prohibit the operation of a motor vehicle by a school bus or day care driver while in performance of their duties with .02 percent or more by weight of alcohol in his or her blood; and to provide penalties.

COMMITTEE ON WAYS AND MEANS

By Representatives Minnifield, Petelos, Curry, Johnson (E), Houston, and McAdory:

H. 386. To provide a tax credit for taxpayers or the tax paying entity or entities who remove asbestos from vacant buildings.

COMMITTEE ON WAYS AND MEANS

By Representative Minnifield:

H. 387. To amend Section 16-11-2 of the Code of Alabama 1975 providing for city boards of education, to increase the permissible number of members of a city board of education; to allow voters in cities with appointed city boards of education to determine by referendum whether the board of education will continue to be appointed by the governing body of the city or be elected by those qualified electors of the affected city without the necessity of a constitutional amendment; to specify that the referendum may be authorized by local law; to establish the time of election, term of office, districts, and other provisions relating to elected city boards of education; and to ratify and confirm existing laws relating to elective city boards of education.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives McDaniel, Sanderford, Morrison, Hooper, Robinson, Burke, Hall (A), Carns, Morton, Haney, Graham, Vance, Newton (D), Hill, and McKee:

H. 388. To provide that on roads, streets, or highways with two or more lanes allowing for movement in the same direction, it is unlawful for any truck tractor with or without a trailer to operate in any lane other than the most right-hand lane, except when the truck tractor is preparing for a left turn or passing a vehicle; and to prescribe criminal penalties.

COMMITTEE ON HIGHWAY SAFETY

By Representatives McDaniel, Fuller, Dolbare, Hawkins, Curry, McKee, Melton, McMillan, Burke, Parker (T), Allen, Laird, Turnham, Hooper, Morrison, Millican, Willis, Gipson, Spratt, Hill, Morrow, Page, Ford, Drake, White, and Dukes:

H. 389. To provide a cost of living increase in pension benefits to certain members and certain beneficiaries of members of the teachers' and employees' retirement systems; to provide for the funding for the increase; and to provide that no person shall be entitled to receive the increase in benefits granted in this act if receipt of the increase would jeopardize the eligibility of a person to receive Medicaid benefits.

COMMITTEE ON WAYS AND MEANS

By Representative Maul:

H. 390. To provide distinctive motor vehicle license tags or plates for supporters of the Old Cahawba Capitol Site; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Layson (With Notice and Proof):

H. 391. Relating to the Twenty-fourth Judicial Circuit; providing for the establishment of a Judicial Administration Fund in the circuit and for the distribution of moneys in the fund.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 391, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Clark (W):

H. 392. To amend Section 23-1-80 of the Code of Alabama 1975; to authorize the establishment of standards for the design, construction, and maintenance of county roads; and to provide for adoption by the county commission.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Johnson (R):

H. 393. Authorizing the State Board of Health to develop a program relating to indoor lead hazard reduction, authorizing the establishment of certain fee schedules and the disposition of fees levied, authorizing the State Health Officer to conduct certain investigations relating to lead hazard reduction and granting immunity from certain liability, requiring the certification of persons engaged in lead hazard removal activities and the regulation of such activity, designating Safe State as the state accreditation agency and specifying the powers and duties of Safe State, specifying criminal penalties for failure to be properly certified or to comply with certain lead hazard removal procedures, permitting state or local health officers to seek injunctive relief, creating and providing for a special fund and making an appropriation from the fund for fiscal years ending September 30, 1996 and September 30, 1997, and providing for a prospective effective date.

COMMITTEE ON HEALTH

By Representatives Johnson (R), Millican, and Jackson:

H. 394. To amend Section 34-9-9, Code of Alabama 1975, relating to the employment of certain dentists, to allow healthcare facilities to employ dentists.

COMMITTEE ON HEALTH

By Representative Johnson (R):

H. 395. To require corporations, associations, health maintenance organizations, nonprofit health service organizations, employee-sponsored health benefit companies, or any similar organizations or entities providing various health coverages and plans to furnish prospective enrollees with a written description of the coverage, exclusions, services, medications, authorizations, financial responsibilities, and a right to information on financial arrangements between providers and the plan; and to cite this act as the "Patient Right to Know Act."

COMMITTEE ON HEALTH

By Representative Moore:

H. 396. To amend Section 36-27-57, Code of Alabama 1975, to reopen the Employees' Retirement System for purchase of credit for certain prior service with a district attorney.

COMMITTEE ON WAYS AND MEANS

By Representatives Moore, Clouse, and Seibenhener:

H. 397. To amend Section 32-14-5 of the Code of Alabama 1975, to exempt driver improvement schools operated by the American Association of Retired Persons from the Driver Training School License Act.

COMMITTEE ON HIGHWAY SAFETY

By Representative Moore:

H. 398. To amend Section 40-11-1 of the Code of Alabama 1975, to exempt certain aircraft from ad valorem taxation.

COMMITTEE ON WAYS AND MEANS

By Representative Perdue:

H. 399. To amend Section 12-15-71.1 of the Code of Alabama 1975, relating to serious juvenile offenders; to provide that the juvenile court may, in addition to sentencing a child who is found by the court to be a serious juvenile offender to the Alabama Department of Youth Services, sentence the child to a term of imprisonment in the state penal system to commence after the child reaches the age of majority; and to further provide that the combined sentence imposed on a serious juvenile offender shall not exceed the sentence that would have been imposed if the serious juvenile offender had been an adult.

COMMITTEE ON JUDICIARY

By Representatives Warren, McMillan, Penry, Vance, White, and Turner:

H. 400. Amending Section 13A-11-84, Code of Alabama 1975, relating to the disposition of certain pistols seized as and declared contraband to include firearms seized by law enforcement officers; and to further provide for the judge to order the seized firearms disposed of by auction and the disposition of any proceeds therefrom.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Wren, Gaines, Sims, Dean, Carns, and Papucci:

H. 401. To provide for tax credits for parents sending children to non-public schools and children participating in home schooling.

COMMITTEE ON WAYS AND MEANS

By Representative Wren:

H. 402. To amend Section 6-5-332, Code of Alabama 1975, relating to the exemption from civil liability of certain persons rendering first aid or emergency care at the scene of an accident, casualty, or disaster, to remove the requirement that first aid or emergency care be given at the scene in order for the person to be exempt from civil liability.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Wren, Townsend, and Murphree:

H. 403. To require that certain persons employed as insurance agents or brokers of insurance by insurers take continuing education courses; to establish standards for continuing education programs; to provide certain exceptions; to provide for compliance form filing fees and late filing fees to be paid by agents and brokers, education course provider filing and renewal fees, an education course or program approval filing fee, and education course instructor filing fee, and that all of these fees be deposited in the State Treasury to the credit of a fund to be known as the "Insurance Agents and Brokers Continuing Education Fund," created by this act, from which the expenses of operating the Continuing Education Unit and regulatory purposes of the Agents' Licensing Division of the Department of Insurance shall be paid; to provide for appropriating those sums for expenses incurred by the unit; and to provide for balances in the fund to carry forward the first fiscal year after the effective date of this act and thereafter to provide for a percentage of the unencumbered balances in the fund at the end of the fiscal year to revert to the State General Fund.

COMMITTEE ON INSURANCE

By Representative Gaines:

H. 404. Repealing Article 6 of Title 7 of the Code of Alabama 1975, commonly referred to as the Bulk Transfers Article of the Uniform Commercial Code.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Gaines:

H. 405. Relating to Title 7 of the Code of Alabama of 1975, the Uniform Commercial Code, to repeal the current Article 8 and provide for a new Article 8 relating to investment securities and to provide for all of the following: short title and general matters, issue and issuer, transfer of certificated and uncertificated securities, registration, security entitlements, transition provisions for revised Article 8 and conforming amendments to Articles 1, 5, 9, and 10, the perfection of a security interest in investment property in multiple state transactions and in certain other investment property, security interest arising in purchase or delivery

of financial assets, conforming amendments to the Alabama Business Corporation Act and the General Statute of Frauds, and shares without certificates under the Alabama Business Corporation Act; to amend Sections 7-9-103, 7-9-105, 7-9-106, 7-9-203, 7-9-301, 7-9-302, 7-9-304, 7-9-306, 7-9-309, and 7-9-312 of the Code of Alabama 1975; to add Sections 7-9-115 and 7-9-116 to the Code of Alabama of 1975; to amend 7-1-105, 7-1-201, 7-1-206, 7-5-114, 7-10-104, and 8-9-2 of the Code of Alabama of 1975; to amend Act 94-245, 1994 Regular Session, now appearing as Sections 10-2B-6.26 and 10-2B-6.27, Code of Alabama 1975; and to specify a prospective effective date.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives Rogers (J), McAdory, and Houston:

H. 406. To exempt the City Stages, Inc., from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Rogers (J), McAdory, and Houston:

H. 407. To provide tax exemptions for certain nonprofit corporations; to authorize leases of public property to, and appropriations of public funds for, those nonprofit corporations; and to provide for certification of eligibility of nonprofit corporations by the Department of Revenue.

COMMITTEE ON WAYS AND MEANS

By Representatives Rogers (J), McAdory, and Houston:

H. 408. To exempt the Birmingham Broadway Series from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Rogers (J), McAdory, and Houston:

H. 409. To amend Section 40-23-4, Code of Alabama 1975, relating to an exemption from the state sales tax of the gross proceeds of sales of admissions to theatrical, ballet, opera, and symphonic productions or other orchestral concerts presented by certain organizations, to exempt from the state sales tax the gross proceeds from sales of admissions to theatrical productions, symphonic or other orchestral concerts, ballets, or opera productions when the concerts or productions are presented by an not-for-profit corporation or other entity organized under Alabama law.

COMMITTEE ON WAYS AND MEANS

REGULAR SESSION
3rd Day

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By Representatives Hooper, Warren, Newton (C), Smith, Dukes, Gipson, McMillan, Page, Turnham, Penry, Burke, Hayden, and Flowers:

H. 410. To provide an additional alternative procedure for incorporated municipalities to incorporate into their boundaries certain contiguous unincorporated territory upon petition of landowners under certain conditions; to require that certain municipal services be furnished in the area as a condition to the assessment of ad valorem taxation.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Rogers (M):

H. 411. To amend Section 13A-7-29 of the Code of Alabama 1975, relating to criminal littering; to increase the minimum fine to two hundred fifty dollars (\$250) and to provide that in the alternative, the person may be required to perform not less than 10 hours and not more than 40 hours of community service.

COMMITTEE ON JUDICIARY

By Representative Box:

H. 412. To authorize any juvenile court to require the parents or legal guardian of a child who has been declared a delinquent child and placed on probation by the court to assist the court in ensuring that the child complies with the terms of probation, and would provide for penalties and exemptions.

COMMITTEE ON JUDICIARY

By Representatives Hamilton, Starkey, and Carter:

H. 413. To exempt the Christian Children Homes, Inc., from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Townsend, Payne, Allen, and Thomas (D):

H. 414. To exempt Civitan Regional Blood System, Inc. from any state, county, municipal and other local taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Townsend, Payne, Houston, Carns, Rogers (J), Sanderson, Petelos, Curry, Morton, Gaines, McAdory, Johnson (E), and Spratt:

H. 415. To make an appropriation of \$30,000 from the Education Trust Fund to the Jefferson County Board of Education for the support and maintenance

of the Burkett Center for Multi-Handicapped for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Hawk, Page, McDaniel, Willis, Millican, Hinshaw, Galliher, Boyd, Parker (P), Box, Turnham, Newton (D), Venable, Gipson, Vance, Jackson, Hayden, Graham, Morrison, Robinson, Johnson (E), McClammy, Knight (J), Minnifield, Spratt, Hilliard, Mitchell, Hall (A), Maull, Kennedy, Clark (W), Carothers, Thomas (J), Collins, Holmes, Fuller, Newton (C), Johnson (R), Baker, Guin, Dolbare, Bandy, Drake, Hamilton, Smith, Hall (L), Melton, Dukes, Murphree, Starkey, Houston, Clark (J), Warren, Burke, Carter, Lindsey, McAdory, Rogers (J), Laird, Hogan, White, Layson, and Parker (T):

H. 416. Requiring the Alabama Medicaid Agency to pay the costs of reserving a bed in a nursing home for a certain period of time for a Medicaid patient in a hospital who was admitted to the hospital from the nursing home.

COMMITTEE ON WAYS AND MEANS

By Representatives Page, Box, McDaniel, Willis, Turnham, Millican, Newton (D), Parker (P), Hinshaw, Galliher, Boyd, Venable, Gipson, Vance, Jackson, Hayden, Graham, Morrison, Hawk, Robinson, Johnson (E), McClammy, Knight (J), Reed, Minnifield, Hilliard, Spratt, Hall (A), Buskey, Mitchell, Maull, Kennedy, Clark (W), Carothers, Thomas (J), Collins, Holmes, Fuller, Hammett, Newton (C), Johnson (R), Baker, Guin, Dolbare, Bandy, Drake, Hamilton, Smith, Hall (L), Melton, Dukes, Murphree, Starkey, Houston, Clark (J), Warren, Burke, Carter, Lindsey, McAdory, Rogers (J), Laird, Hogan, White, Layson, and Parker (T):

H. 417. Providing a tax credit against state income tax for certain corporate taxpayers who employ youths in certain youth apprentice programs.

COMMITTEE ON WAYS AND MEANS

By Representative Layson:

H. 418. To propose an amendment to the Constitution of Alabama of 1901, ratifying and validating all ad valorem tax levies and payments made in Pickens County, and authorizing the county governing body to levy an ad valorem tax.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

REGULAR SESSION
3rd Day

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By Representative Layson (With Notice and Proof):

H. 419. Relating to Pickens County; to provide for the collection of any county sales and use tax by the county commission.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 419, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Turnham:

H. 420. To amend Section 40-26-1, Code of Alabama 1975, relating to the state transient occupancy tax, to provide that tuition and fees charged by summer camps and similar conference facilities providing programs for children, certain students, and members or guests of certain nonprofit organizations are exempt from the transient occupancy tax; and to provide a retroactive effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Knight (J):

H. 421. To provide for a home weatherization assistance program; to create the Neighbors Helping Neighbors Fund; and to provide that the Department of Economic and Community Affairs will administer the monies.

COMMITTEE ON WAYS AND MEANS

By Representative Knight (J):

H. 422. To amend Section 36-12-40, Code of Alabama 1975, to allow access to certain files of public employees.

COMMITTEE ON STATE ADMINISTRATION

By Representative Newton (D):

H. 423. To amend Section 5-19A-2 of the Code of Alabama 1975, the Alabama Pawnshop Act, to further provide for the exclusion of a certificate of title, bill of sale, or other documentary evidence of ownership of a motor vehicle from the definition of pledged goods.

COMMITTEE ON JUDICIARY

By Representative Parker (T):

H. 424. To make an appropriation of \$1,049,579 from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama, Inc., the United Cerebral Palsy Development Center for East Central Alabama, the Simpson-May Cerebral Palsy Center, the Cerebral Palsy Housing Foundation, the United Cerebral Palsy of Huntsville and Tennessee Valley, Inc., the United Cerebral Palsy of Mobile, Inc., the United Cerebral Palsy of West Alabama, Inc., and the United Cerebral Palsy of Northwest Alabama for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Newton (D):

H. 425. To exempt the City Stages, Inc., from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Newton (D):

H. 426. To require city and town governing bodies to assess a charge against certain landowners seeking to connect to a sewer or sewer system and to provide that the act shall be construed as cumulative to certain existing law.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Newton (D):

H. 427. To exempt Birmingham Summerfest, Incorporated, from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Newton (D):

H. 428. To provide a civil remedy for the abatement of drug-related nuisances; to make legislative findings; to define certain terms; to set out adverse impacts of drug-related nuisances, to require notice to owners of property where drug-related nuisances occur; to provide jurisdiction in circuit courts; to provide standing to certain officials and private parties who may institute drug-related nuisance proceedings; to provide for hearings on preliminary injunctions; to provide for ex parte restraining orders, civil penalties, and protection of witnesses; to provide that a drug conviction not be required; to provide for security bonds and limitations thereof; to permit use of evidence of the general reputation of the property of the defendant to prove nuisance to authorize judgments and remedies;

to define burden of proof required; to prohibit punitive damages; to set out factors which may be considered in determining existence of a drug nuisance; to provide for punishment for contempt and for violations of court orders; to provide for cancellation of court orders and circumstances therefor; to provide for award of costs and attorney fees for frivolous and bad faith proceedings brought by private parties; and to provide for severability.

COMMITTEE ON JUDICIARY

By Representative Dukes:

H. 429. Proposing an amendment to the Constitution of Alabama of 1901; relating to legalizing certain operations of bingo games for prizes or money for charitable or educational purposes in and the Cities of Hartselle and Falkville and that area of the City of Decatur located within the boundaries of Morgan County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Rogers (J):

H. 430. To amend Sections 11-47-210 to 11-47-219, inclusive, Code of Alabama 1975, which empower municipalities to acquire and manage public parks, playgrounds, and other recreational or athletic facilities and which provide for the formation of authorities to act on behalf of the municipalities in exercising the powers; to provide further for definitions for particular terms relating to certain public corporations and for the types of properties and facilities that are subject to being acquired and managed pursuant to Article 9 of Chapter 47 of Title 11 of the Code of Alabama 1975; to grant to any county the powers granted to municipalities by the article; to provide with more specificity for the procedure to be followed in organizing an authority pursuant to the article; to modify the article respecting the composition of the governing body of the authority and to further define and expand the powers to be enjoyed by the authority; to empower the authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds, and other obligations payable solely out of the revenues, receipts, income, funds, or other sources specified in the proceedings under which the bonds, notes, or other obligations are issued; to authorize the authority to pledge its revenues and mortgage or assign its assets as security for its notes, bonds, or other obligations; to provide for the issuance of refunding bonds, notes, or other obligations by an authority for the purpose of refunding bonds, notes, or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment, or pledge created or made by the authority; to provide that the notes, bonds, and other obligations of the authority shall constitute negotiable instruments; to provide that the notes, bonds, and other obligations of the authority may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the state the property, corporate activities, revenues, and income of

the authority, the transactions or actions to which the authority is a party or in which it may be involved, and the notes, bonds, and all other obligations of the authority and the interest on the notes, bonds, and obligations; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to confer upon an authority organized under this act the power of eminent domain; to provide that any county, municipality, or other political subdivision, agency, or instrumentality of the state or any county or municipality may aid and cooperate with the authority, lend or donate money or perform services for the benefit thereof and, without the necessity of an election, donate, sell, convey, transfer, lease, or grant thereto any property of any kind; to authorize any county or municipality to enter into contracts providing for periodic monetary payments by the county or municipality to the authority, or for its benefit, to serve as a source of payment for notes, bonds, or other obligations of the authority; to specify the extent to which such a contract shall constitute or result in a debt of the county or municipality for purposes of any applicable limitation on indebtedness imposed by the constitution or other laws of the state; to provide that the authority shall be a not-for-profit corporation; to provide that such an authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes, or other obligations by the authority, and to provide that any action or proceeding questioning the validity of the bonds, notes, or other obligations, or instruments securing the same, shall be commenced within 30 days after the first publication of the notice; and to provide that the provisions of this act shall be severable.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Vance:

H. 431. Proposing an amendment to the Constitution of Alabama of 1901; relating to legalizing certain operations of bingo games for prizes or money for charitable or educational purposes in Russell County and the cities and towns of the county.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Vance (With Notice and Proof):

H. 432. To provide for the implementation of a constitutional amendment authorizing the county commission to regulate the operation of bingo in Russell County, Alabama.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 432, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Morrison, Seibenhener, Clouse, and Moore:

H. 433. To amend Section 32-6-272 of the Code of Alabama 1975, relating to distinctive fire fighter tags; to provide for a fee for the issuance of a distinctive license tag or plate for fire fighters; to establish a "Fire Fighter and Fire-Medic Memorial Advisory Committee"; to provide for composition of the committee, its duties, and powers; to provide for distribution of the funds; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives McKee, Wren, Crigler, Guin, Sims, Clouse, McMillan, Hall (A), Knight (A), Rogers (M), Hill, Sanderford, Gipson, Townsend, Seibenhener, Burke, Dean, Pringle, Dolbare, Turnham, Venable, Moore, Baker, Willis, Morrison, Hogan, Vance, Maul, Hooper, Johnson (E), Papucci, and Allen:

H. 434. To propose an amendment to the Constitution of Alabama of 1901, to provide that the people may propose the repeal and enactment of laws or constitutional amendments by an initiative or referendum.

COMMITTEE ON STATE ADMINISTRATION

The above bill was read a first time at length as required by the Constitution.

By Representative Vance (With Notice and Proof):

H. 435. Relating to Russell County; to authorize the board of health to designate the environmental services rendered for which a reasonable fee may be charged and to set the appropriate fee for each service.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 435, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Vance (With Notice and Proof):

H. 436. Relating to Russell County; providing for the levy of an additional recording fee upon documents filed for record with the judge of probate.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 436, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Knight (A):

H. 437. Providing for proportionate liability in certain causes of action against accountants or accounting firms for money damages.

COMMITTEE ON JUDICIARY

By Representative Allen (With Notice and Proof):

H. 438. Relating to Tuscaloosa County; amending Act No. 328, H. 854, 1959 Regular Session, as amended, which provides for the Firemen's and Policemen's Pension and Relief Fund for the City of Tuscaloosa, to provide further for the depositories into which funds may be placed.

COMMITTEE ON LOCAL LEGISLATION NO. 6

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 438, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Knight (A):

H. 439. Providing that a plaintiff bringing a certain cause of action against an accountant or an accounting firm shall be in a certain privity of contract relationship with the accountant or firm of accountants named as defendants in the action.

COMMITTEE ON JUDICIARY

By Representative Knight (A):

H. 440. Providing for statutes of limitations on certain causes of action brought against accountants or accounting firms.

COMMITTEE ON JUDICIARY

By Representatives Hilliard, Houston, Spratt, Johnson (E), and McAdory (With Notice and Proof):

H. 441. Relating to Jefferson County; to amend Act No. 929, S. 676 of the 1951 Regular Session (Acts 1951, p. 1579), as amended by Act No. 1272, H. 620 of the 1973 Regular Session (Acts 1973, p. 2124), relating to a pension system; to provide that employees of the Birmingham Emergency Management Communication District shall be included in the pension system.

COMMITTEE ON LOCAL LEGISLATION NO. 2

REGULAR SESSION
3rd Day

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I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 441, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Hilliard, Houston, Spratt, Johnson (E), and McAdory:

H. 442. Proposing an amendment to the Constitution of Alabama of 1901, authorizing the Birmingham City Council to provide for bingo operations for charitable purposes within the city in Jefferson County except that portion of the city which lies South of the Birmingham Water Works on U. S. Highway 280 or outside of the boundaries of Jefferson County.

COMMITTEE ON LOCAL LEGISLATION NO. 2

The above bill was read a first time at length as required by the Constitution.

By Representative Payne:

H. 443. To propose an amendment to the Constitution of Alabama of 1901, providing that appropriations to state or non-state entities shall be considered only in odd-numbered years; providing for a two-year budget; and providing that appropriation of funds could be considered in even-numbered years only in certain situations.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representatives Houston, Johnson (E), Hilliard, Rogers (J), Minnifield, and Spratt (With Notice and Proof):

H. 444. Relating to Jefferson County; amending Sections 1 and 2 of Act 89-702, H. 751 of the 1989 Regular Session (Acts 1989, p. 1397); to increase the number of county commission staff positions; and to provide that the additional positions are exempt from the merit system.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 444, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Morrow:

H. 445. To reenact an amendment to the Constitution of Alabama of 1901, proposed by Act No. 95-224, to provide for the election of the Franklin County Superintendent of Education by the qualified electors residing in the Franklin County School system; and to ratify, validate, and confirm any actions taken pursuant to the amendment proposed by Act No. 95-224.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Venable:

H. 446. To make a supplemental appropriation of \$60,000 from the Alabama Special Educational Trust Fund to Auburn University at Montgomery for the fiscal year ending September 30, 1996, and each year thereafter for use at Fort Toulouse in Elmore County.

COMMITTEE ON WAYS AND MEANS

By Representative Turnham:

H. 447. To amend Section 34-12-8 of the Code of Alabama 1975, to exempt licensed foresters who have reached a certain age from continuing education requirements.

COMMITTEE ON STATE ADMINISTRATION

By Representative Turnham:

H. 448. To amend Section 34-11-8 of the Code of Alabama 1975, to exempt registered land surveyors who have reached a certain age from continuing education requirements.

COMMITTEE ON STATE ADMINISTRATION

By Representative Wren:

H. 449. To amend Section 25-4-145, Code of Alabama 1975, to provide further for the collection of delinquent overpayment of unemployment compensation; to make a person guilty of fraud for a violation; to amend Section 40-18-100, Code of Alabama 1975, as amended by Act 95-750, 1995 Regular Session, to include the Department of Industrial Relations as a claimant agency for the purpose of seeking relief through setoff debt collection; and to provide for retroactive effect.

COMMITTEE ON BUSINESS AND LABOR

**REGULAR SESSION
3rd Day**

237

By Representative Graham:

H. 450. To make a supplemental appropriation of \$10,000 to the State Department of Education for Project Citizen from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1996.

COMMITTEE ON WAYS AND MEANS

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 32, were temporarily carried over at the request of Representative Laird.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Black (L), the Budget Isolation Resolution relating to the bill, H. 81, was adopted.

Yeas 34; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Box, Boyd, Buskey, Carter, Curry, Galliher, Graham, Guin, Hall (L), Hayden, Hogan, Houston, Knight (A), Maull, McClammy, Minnifield, Morrow, Morton, Page, Papucci, Parker (P), Perdue, Petelos, Reed, Sims, Smith, Spratt, Thomas (D), Vance, White and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 81. Relating to Greene County; providing for the installation of vending machines in the canteen in the county jail; and providing further for the distribution of the profits received from the vending machines.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Buskey, Carter, Clark (W), Curry, Ford, Galliher, Gipson, Graham, Guin, Hall (L), Hammett, Hayden, Hinshaw, Hogan, Houston, Jackson, Knight (A), Laird, McClammy, Millican, Morton, Newton (C), Papucci, Parker (P), Payne, Petelos, Reed, Sanderson, Seibenhener, Sims, Smith, Spratt, Townsend, Vance, Venable, White and Willis.

-43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Laird, the Budget Isolation Resolution relating to the bill, H. 188, was adopted.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Allen, Box, Boyd, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Flowers, Ford, Gaston, Gipson, Guin, Hammett, Hill, Hogan, Houston, Johnson (R), Knight (A), Laird, Layson, Maull, Minnifield, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Perdue, Petelos, Sanderson, Sims, Smith, Spratt, Thomas (D), Turnham, Vance, Venable, White and Willis.

-45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 188. (With Substitute): Relating to Randolph county; amending Act No. 85-616, H. 696 of the 1985 Regular Session (Acts 1985, p. 944), to provide that the sheriff in his or her official capacity is entitled to the allowances payable by the state for feeding prisoners; and to provide that the provisions of this act are declaratory of existing law and are retroactive to January 18, 1983.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Randolph County; amending Act No. 85-616, H. 696 of the 1985 Regular Session (Acts 1985, p. 944), to provide that the sheriff in his or her official capacity may expend excess allowances payable by the state for feeding prisoners for the maintenance and upkeep of the county jail; and to provide that the provisions of this act are declaratory of existing law and are retroactive to January 18, 1983.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 1 and 2 of Act No. 85-616, H. 696 of the 1985 Regular Session (Acts 1985, p. 944), are amended to read as follows:

"Section 1. In Randolph County, the sheriff in his or her official capacity may keep and retain the allowances for feeding prisoners payable by the state, counties, or municipalities, and after expending all amounts necessary for the feeding of prisoners, may expend any excess funds for the maintenance and upkeep of the county jail. In no event shall these funds be considered personal funds.

"Section 2. The provisions of this amendatory act are declaratory of existing law and are retroactive to January 18, 1983, and all actions taken by the sheriff in accordance with the provisions of this act are validated and confirmed."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Dean, Dukes, Ford, Gaston, Gipson, Guin, Hamilton, Hammett, Hinshaw, Hogan, Johnson (R), Laird, Layson, Maull, Minnifield, Mitchell, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Perdue, Reed, Rogers (M), Sanderford, Sims, Smith, Spratt, Venable and Willis.

-44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 188. Relating to Randolph County; amending Act No. 85-616, H. 696 of the 1985 Regular Session (Acts 1985, p. 944), to provide that the sheriff in his or her official capacity may expend excess allowances payable by the state for feeding prisoners for the maintenance and upkeep of the county jail; and to provide that the provisions of this act are declaratory of existing law and are retroactive to January 18, 1983.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dukes, Ford, Gaston, Gipson, Guin, Hammett, Hill, Hinshaw, Hogan, Johnson (R), Knight (A), Laird, Maull, Millican, Minnifield, Mitchell, Morrow, Newton (C), Page, Papucci, Parker (P), Perdue, Petelos, Rogers (M), Sanderford, Sims, Smith, Vance, Venable and Willis.

-45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Laird, the Budget Isolation Resolution relating to the bill, H. 189, was adopted.

Yeas 38; Nays 0.

Yea:

Mr. Speaker, Black (M), Box, Carothers, Carter, Clouse, Collins, Curry, Drake, Dukes, Flowers, Ford, Gaines, Gipson, Guin, Hammett, Hill, Hogan, Laird, Layson, Lindsey, Maull, Millican, Minnifield, Morton, Murphree, Newton (C), Papucci, Parker (P), Perdue, Petelos, Rogers (M), Smith, Turner, Turnham, Vance, Venable and White.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 189. Relating to Randolph County, amending Section 1 of Act 81-938, 1981 First Special Session, to authorize the county commission to provide for an additional recording fee for certain documents filed for record in the Office of the Judge of Probate.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Carothers, Carter, Clouse, Curry, Dolbare, Drake, Dukes, Ford, Gaston, Gipson, Guin, Hammett, Hill, Hogan, Johnson (E), Johnson (R), Knight (A), Laird, Layson, Lindsey, McClammy, Millican, Morton, Murphree, Newton (C), Parker (P), Petelos, Rogers (M), Seibenhener, Smith, Spratt, Starkey, Turner, Vance and Venable.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTIONS

The following resolutions were introduced:

By Representatives Hammett, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.J.R. 96. CONGRATULATING THE ALABAMA PRESS ASSOCIATION FOR 125 YEARS OF OUTSTANDING SERVICE.

WHEREAS, the Alabama Press Association, the state's trade association of daily and weekly newspapers, will celebrate its 125th Anniversary during its Winter Convention February 23-25 in Montgomery, the city where it was founded in 1871; and

WHEREAS, the Alabama Press Association is thought to be the oldest statewide trade association in Alabama; and

WHEREAS, it was first named the Editors and Publishers Association of the State of Alabama, a name it kept until 1891, the year of its 20th anniversary; and

WHEREAS, in its early days, with the state still ravaged by the effects of the Civil War, the state's editors and publishers sought ways to develop the economy of the state and to attract new industry; and

WHEREAS, around the turn of the century, APA and its member newspapers pushed hard for statewide taxes to support public education; and

WHEREAS, during the Depression of the 1930s, APA and its member newspapers led an effort to start a statewide chamber of commerce to help strengthen economic development in Alabama; and

WHEREAS, its members also continued APA's attention to education by contributing to a foundation in 1968 that each year provides thousands of dollars to Alabama's colleges and universities; and

WHEREAS, its member newspapers have won the nation's top honors in journalism, often by striving to encourage positive change in Alabama; and

WHEREAS, APA has often worked in the public interest by endeavoring to strengthen the right of the public to have free access to government meetings and records; and

WHEREAS, throughout its 125 years, APA has provided an important link for newspapers of all sizes, and a link between the public and newspapers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend our congratulations to the officers, directors, members and staff of the Alabama Press Association for the association's 125 years of service.

BE IT FURTHER RESOLVED, That a copy of this resolution of congratulations be provided to the Alabama Press Association.

On motion of Representative Hammett, the rules were suspended and the resolution, H.J.R. 96, was adopted.

Also:

By Rules Committee:

H.R. 97. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES: That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the third legislative day, Wednesday, February 21, 1996, taking precedence over the regular order of business or any pending or unfinished business. Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id	Page
H. 159 - By Hawkins	15
Disasters, consumer protection against price gouging, unlawful trade practices, civil penalties	
H. 147 - By Sanderson	13
Fishing, interference with prohib., Sec. 9-11-270, 9-11-271, 9-11-273, 9-11-275 am'd.	
H. 36 - By Knight (A)	13
Environmental, health, and safety audits, violations disclosed, privileged communications	
H. 134 - By Wren	8
Alcoholic Beverage Control Bd., annual report by administrator, date of, alt., Sec. 28-3-42 am'd.	
H. 39 - By Curry (As Amended)	7
Joint Legislative Prison Committee, membs. incr., duties, Sec. 29-2-20 am'd.	
H. 186 - By Carothers	4
Coal, coke, and by-products, sales and use tax exempt, Secs. 40-23-4, 40-23-62 am'd.	

The following bills are not subject to the 10-minute limitation, and are subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id	Page
H. 149 - By Hammett	10
Juvenile delinquents, juveniles tried as adults in cir. ct., commitment to alternative school by ct., Sec. 12-15-71	
H. 37 - By Curry (As Amended)	2
Corrections Dept., supp. approp.	

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H. 121 - By Fuller (As Amended) 3

Various state agencies, supp. approp.

H. 122 - By Fuller (As Amended) 4

Various state agencies, supp. approp. for 1995-96 fiscal yr.

H. 119 - By Fuller 3

Children's Advocacy Centers, Inc., approp.

H. 12 - By Galliher (As Amended) 1

Tax exemptions, provided for cert. eligible businesses under Alabama Enterprise Zone Act, Sec. 41-23-30 am'd.

H. 171 - By Burke 14

Environment, jt. environmental legis. oversight committee, estab.

H. 172 - By Burke 14

Environmental Management Comm., composition alt., appointment by Speaker, Lt. Gov., and Gov., term limit, Sec. 22-22A-6 am'd.

H. 17 - By Laird 6

Legislative employees, election, appt., comp., classification reg., office of Speaker distinct, Secs. 29-1-9, 29-1-12, 29-2-22, 29-2-41, 29-2-62 am'd.; Secs. 29-2-7, 29-2-21, 29-2-53, Ch. 4 of Title 29 repealed

H. 35 - By Box 9

Product demonstrators, deemed independent contractors for unemployment compensation purposes, Sec. 25-4-10, 25-5-50, am'd.

On motion of Representative Carter, the resolution, H.R. 97, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hawkins, the Budget Isolation Resolution relating to the bill, H. 159, was adopted.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Buskey, Carns, Clark (W), Clouse, Collins, Dean, Drake, Ford, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Kennedy, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

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And the bill:

H. 159. To prevent unconscionable pricing during periods in which the state or any part thereof is under a declared state of emergency, due to a natural disaster; to define unconscionable pricing; and to make it unlawful and an unfair trade practice for any person or his or her employee to rent, sell, or offer to rent or sell in this state during a declared state of emergency a commodity at an unconscionable price.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Mitchell, Morrison, Morrow, Murphree, Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable, White and Wren.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 159:

Representatives Allen, Baker, Bandy, Buskey, Carns, Carothers, Clark (J), Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (R), Kennedy, Knight (A), Knight (J), McClammy, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrow, Morton, Newton (C), Papucci, Payne, Penry, Reed, Rogers (M), Sanderford, Seibenhener, Smith, Townsend, Vance, Venable and Wren.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Morton intended to vote "Yea" on passage of the bill, H. 159.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Sanderson, the Budget Isolation Resolution relating to the bill, H. 147, was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, McAdory, McClammy, McDaniel, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Venable, White, Willis and Wren.

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And the bill:

H. 147. To amend Sections 9-11-270, 9-11-271, 9-11-273, and 9-11-275 of the Code of Alabama 1975, relating to interference with legal hunting and providing penalties; to add interference with legal fishing to the prohibitions of these sections subject to the same penalties; and to delete an exception for acts committed on publicly owned lands or waters.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 147:

Representatives Baker, Black (M), Carns, Carothers, Clark (J), Clouse, Collins, Dolbare, Drake, Dukes, Ford, Gaines, Graham, Guin, Hall (L), Hamilton, Hammett, Hawkins, Hinshaw, Hogan, Holmes, Houston, Jorgensen, Kennedy, Laird, Layson, Lindsey, McAdory, McDaniel, McMillan, Melton, Morrison, Morrow, Morton, Murphree, Page, Papucci, Petelos, Reed, Robinson, Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Turnham, Vance, Venable, Warren, White and Willis.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (A), the Budget Isolation Resolution relating to the bill, H. 36, was adopted.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Dean, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Moore,

Morrow, Morton, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable, Willis and Wren.

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And the bill:

H. 36. To encourage environmental, health, or safety (EHS) audits by creating a qualified EHS audit privilege; to provide for the use of the EHS audit privilege.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Carns, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, Millican, Mitchell, Moore, Morrow, Morton, Page, Papucci, Parker (P), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Turner, Venable, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Wren, the Budget Isolation Resolution relating to the bill, H. 134, was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Moore, Morrow, Morton, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed,

Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, White, Willis and Wren.

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And the bill:

H. 134. To amend Section 28-3-42, Code of Alabama 1975, relating to the duties of the Alcoholic Beverage Control Board and its administrator; to provide for filing an annual report to the Governor during the month of December unless determined otherwise by the Governor.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (R), Knight (A), Knight (J), Laird, Layson, Lindsey, Maul, McAdory, McClammy, McDaniel, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Turner, Vance, Venable, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION OFFERED

Representative Curry offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 39.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 97, the time to debate the bill, H. 39, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 63. COMMENDING ROBERT THOMAS JANNEY ON OBTAINING THE RANK OF EAGLE SCOUT.

Also:

H.J.R. 64. COMMENDING MR. WILLIAM DENNIS (BILL) LATHAM OF CLANTON, ALABAMA.

Also:

H.J.R. 66. COMMENDING CALE MANLEY OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 69. CREATING AN INTERIM JOINT LEGISLATIVE COMMITTEE TO STUDY FEDERAL BLOCK GRANTS.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 91. MOURNING THE DEATH OF SAM LETSON OF MOULTON, ALABAMA.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 55. COMMENDING JARIUS HAYES OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 60. COMMENDING RONALD MCKINNON OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 61. COMMENDING MIKE HOOKS ON THE ANNIVERSARY OF HIS 20TH YEAR IN RADIO MINISTRY.

Also:

H.J.R. 62. COMMENDING JEFF DANSBY AS EMERGENCY MEDICAL TECHNICIAN OF THE YEAR IN CHILTON COUNTY.

Also:

H.J.R. 65. COMMENDING REPRESENTATIVE JOHN KNIGHT FOR CHAIRING THE JOINT INTERIM LEGISLATIVE COMMITTEE TO INVESTIGATE TAX AUDITS OF THE DEPARTMENT OF REVENUE.

Also:

H.J.R. 70. COMMENDING THE ALABAMA FEDERATION OF WOMEN'S CLUBS FOR 100 YEARS OF SERVICE TO ALABAMA CITIZENS.

Also:

H.J.R. 76. COMMENDING JERRY BROWN--A NINTH GENERATION FOLK POTTER.

Also:

H.J.R. 77. COMMENDING THE SAKS HIGH SCHOOL GIRLS' VOLLEYBALL TEAM ON WINNING THE 1995 CLASS 5A STATE CHAMPIONSHIP.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Carothers, the Budget Isolation Resolution relating to the bill, H. 186, was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hawk, Hawkins, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White and Willis.

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And the bill:

H. 186. To exempt amend Sections 40-23-4 and 40-23-62, Code of Alabama 1975, to exempt all domestically mined or produced coal, coke, and coke by-products used in cogeneration plants in the state from the payment of all state sales and use taxes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Smith, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White and Willis.

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Nay:

Representative Dolbare.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hammett, the Budget Isolation Resolution relating to the bill, H. 149, was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

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And the bill:

H. 149. To amend Section 12-15-71, Code of Alabama 1975, to require that under certain conditions a court order a juvenile to attend an alternative school if the juvenile is found to be delinquent and is committed to a juvenile detention facility or to the Department of Youth Services, but the juvenile detention facility or the Department of Youth Services is unable to take the juvenile due to a lack of space; to provide for a court to order a juvenile who has been certified by the juvenile court as an adult to attend an alternative school; to provide that the juvenile court may release an order requiring the juvenile attend an alternative school to the appropriate board of education; and to provide that a juvenile age 16 or over charged as an adult or with distribution of a controlled substance would be assigned to an alternative school.

was taken up.

SUBSTITUTE OFFERED

Representative Hammett offered the following substitute to the bill, H. 149:

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 12-15-71, Code of Alabama 1975, to require that under certain conditions a court order a juvenile to attend an alternative school if the juvenile is found to be delinquent and is committed to a juvenile detention facility or to the Department of Youth Services, but the juvenile detention facility or the Department of Youth Services is unable to take the juvenile due to a lack of space; to provide for a court to order a juvenile who has been certified by the juvenile court as an adult to attend an alternative school; to provide that the juvenile court may release an order requiring the juvenile attend an alternative school to the appropriate board of education; and to provide that a juvenile age 16 or over charged as an adult or with distribution of a controlled substance would be assigned to an alternative school.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 12-15-71 of the Code of Alabama 1975, is amended to read as follows:

"§12-15-71.

"(a) If a child is found to be dependent, the court may make any of the following orders of disposition to protect the welfare of the child:

"(1) Permit the child to remain with the child's parents, guardian, or other custodian, subject to conditions and limitations as the court may prescribe;

"(2) Place the child under protective supervision as herein provided or under the supervision of the Department of Human Resources;

"(3) Transfer legal custody to any of the following:

"a. The Department of Human Resources; provided, that the department is equipped to care for the child;

"b. A local public child-placing agency or private organization or facility willing and able to assume the education, care, and maintenance of the child and which is licensed by the Department of Human Resources or otherwise authorized by law to receive and provide care for the child;

"c. A relative or other individual who, after study by the Department of Human Resources, is found by the court to be qualified to receive and care for the child;

"(4) Make such other order as the court in its discretion shall deem to be for the welfare and best interests of the child;_

"(5) In appropriate cases, award permanent custody to the Department of Human Resources or to a licensed child-placing agency with termination of parental rights and authorization to place for adoption, without appointing a legal guardian or guardian of the person, or award temporary custody to the same without appointing a legal custodian or guardian or guardian of the person.

"(6) There shall be a rebuttable presumption that children cannot be removed from custody of parents solely because of a need for emergency housing.

"(b) Unless a child found dependent shall also be found to be delinquent, the child shall not be committed to or confined in an institution established for the care and rehabilitation of delinquent children or detention facility. Nothing in this subsection shall be construed to prohibit the placement of dependent children in any other residential facility as defined in subdivision (22) of Section 12-15-1.

"(c) If a child is found to be delinquent or in need of supervision, the court may make any of the following orders or dispositions for the child's supervision, care, and rehabilitation:

"(1) Permit the child to remain with the child's parents, guardian, or other custodian, subject to the conditions and limitations the court may prescribe;_

"(2) Place the child on probation under conditions and limitations the court may prescribe;_

"(3) Transfer legal custody to any of the following:

"a. The Department of Youth Services, with or without a commitment order to a specific institution;_

"b. In the case of a child in need of supervision, the Department of Youth Services, or the Department of Human Resources;_

"c. A local, public, or private agency, organization, or facility willing and able to assume the education, care, and maintenance of the child and which is licensed or otherwise authorized by law to receive and provide care for children;_

"d. A relative or other individual who, after study by the probation services, is found by the court to be qualified to receive and care for the child;_

"(4) Make any other order as the court in its discretion shall deem to be for the welfare and best interests of the child, including random drug screens, assessment of fines not to exceed two hundred fifty dollars (\$250), and restitution against the parent, guardian, or child, as the court deems appropriate. Costs for court-ordered drug screening may be ordered paid for by the state out of moneys

appropriated as "court costs not otherwise provided for." Any costs for drug screening recouped by order of court for drug screening shall be paid to the state general fund; ~~or,~~

"(5) Direct the parent or custodian of the child to perform such reasonable acts as are deemed necessary to promote the best interest of the child.

"(d) No child by virtue of a disposition under this section shall be committed or transferred to a penal institution or other facility used for the execution of sentences of persons convicted of a crime.

"(e) No child found to be in need of supervision, unless also found to be delinquent, shall be committed to or placed in an institution or facility established for the care and rehabilitation of delinquent children unless the court finds upon a further hearing that the child is not amenable to treatment or rehabilitation under any prior disposition or unless the child is again alleged to be a child in need of supervision and the court, after hearing, so finds.

"(f) When a delinquent child is committable to an institution or agency for the mentally retarded or mentally ill, the court shall proceed as provided in Section 12-15-70 rather than committing to an institution or facility for the care and rehabilitation of delinquent children.

"(g) Whenever the court vests legal custody in an agency or department, it shall transmit with the order copies of the clinical reports, predisposition study, and other information it has pertinent to the care and treatment of the child.

"(h)(1) Regardless of the nature of the petition or allegation, when evidence is presented to the court that a child is at imminent risk of an out-of-home placement or a placement in a more restrictive environment as a result of the conditions of emotional disturbance, behavior disorder, mental retardation, mental illness, dependency, chemical dependency, education deficits, lack of supervision, delinquency, physical illness or disability, or any combination thereof, and if such conditions require the services of two or more agencies pursuant to Section 12-15-1(19), the juvenile court shall refer the child to the county children's services facilitation team for assessment and recommendations unless a current facilitation team plan is available to the court. Within 21 days of receipt of the referral, the county children's services facilitation team shall present to the court a preliminary plan of services addressing the needs of the child and the respective responsibilities of agencies composing this team. Upon receipt of these preliminary recommendations, the juvenile court may adjudge the child as a "multiple needs child" and in accordance with the county children's services facilitation team plan, unless the court finds it not in the best interest of the child, order the use of any dispositional alternative or service available for dependent or delinquent children or children-in-need-of-supervision, children who are emotionally disturbed, mentally retarded, or mentally ill, or children who need specialized educational services, or children who need health services, or any combination thereof. The county children's services facilitation team shall be responsible for

developing a final service plan which shall be filed with the court. The member agencies shall be responsible for the implementation of any ordered service plan. The court may, on its own motion, or on motion of a party, a party's parent or guardian, or a member of the county or state children's services facilitation team, set additional hearings.

"(2) No child, unless alleged or adjudicated delinquent, may be placed in detention facilities established primarily for delinquents.

"(3) The juvenile court shall determine the appropriate custodial entity, based on the child's characteristics of behavior and type of treatment needed and in accord, as far as possible, with the provisions of this chapter for vesting legal custody in an entity, person, or department of a child determined to be dependent, in need of supervision, delinquent, mentally ill, or mentally retarded. Nothing in this subsection, however, shall require an order of commitment for a child to (i) receive services or (ii) be placed in the custody of a state agency or department as an adjudicated multiple needs child. It shall be the duty of probation services, and the Departments of Education, Youth Services, Mental Health and Mental Retardation, Public Health, and Human Resources to provide services both at an in-home, community, or residential setting for multiple needs children when ordered by the court.

"(4) The juvenile court may appoint a guardian ad litem for a multiple needs child.

"(5) The provisions of subdivisions (h)(1), (2), (3), and (4) which require new or additional services beyond those already provided by the agencies are mandated only to the extent that additional funds are appropriated to the State Multiple Needs Children Fund to implement its provisions. The Departments of Human Resources, Mental Health and Mental Retardation, Youth Services, and Education along with juvenile probation services shall develop a program of services for multiple needs children. Nothing in the provisions relating to multiple needs children shall prohibit or restrict departments or agencies charged with the duty of providing services for children and families from working cooperatively and providing financial assistance to address needs which have been identified prior to a case being referred to a children's services facilitation team.

"(i) When a child is placed in the custody of the Department of Human Resources, Department of Mental Health and Mental Retardation, or Department of Youth Services and when the parents or guardians have resources for child support, the juvenile court shall order child support in conformity with the child support guidelines as set out in Rule 32, Alabama Rules of Judicial Administration. The child support shall be paid to the agency in whose primary custody the child is placed and may be expended for those matters that are necessary for the welfare and well-being of those children placed in the agencies. In these cases, the court shall issue income withholding orders subject to state law. Any petition for custody of a child filed by the Department of Human Resources shall contain a request for child support.

"(j) Whenever the court commits a child to a state or local agency or orders a state or local agency to provide services or treatment for a child, that agency shall accept the child for commitment, ordered services, or treatment within seven days of the court's order. However, if compliance with the court's order within seven days would place an agency in violation of either a state statute or standard, then compliance is not required.

"(k) When the court finds a juvenile to be delinquent and commits the juvenile to a juvenile detention facility, boot camp, or to the Department of Youth Services, but the juvenile detention facility, boot camp, or the Department of Youth Services is unable to take the juvenile due to a lack of space and the juvenile in enrolled in public school, unless good cause is shown that the juvenile should not attend an alternative school, the court shall order that the juvenile attend an alternative school if an alternative school is available pending availability of space at the facility.

"(l) After completion of a term of commitment with the Department of Youth Services and when the juvenile is admitted back into public school, the juvenile shall be placed in an alternative school until such time when he or she meets all requirements set by the local board of education.

"(m) When a court, upon holding a hearing pursuant to Section 12-15-34, orders a juvenile case to be transferred to the circuit court for criminal prosecution and the juvenile is enrolled in public school, unless good cause is shown that the juvenile should not attend an alternative school, the court shall order that the juvenile attend an alternative school if an alternative school is available until disposition of the criminal charges in the circuit court. If the criminal charges result in conviction and the juvenile is sentenced to a term of imprisonment in a penal facility, then the juvenile shall remain in an alternative school pending the serving of the sentence. After completion of the sentence or if the juvenile is convicted but not sentenced to a term of imprisonment in a penal facility, when the juvenile is admitted back into school, the juvenile shall remain in an alternative school until such time as he or she meets the requirements set by the local board of education.

"(n) The juvenile court is authorized to release the order referred to in subsections (k), (l), and (m) to the appropriate local school board where the public school or public schools in which the juvenile attempts to enroll are located. No hearing pursuant to Section 12-15-100 governing the confidentiality of juvenile records is required to release the order to the school board."

Section 2. (a) If a juvenile age 16 or over is enrolled in school and is charged with a crime pursuant to Section 12-15-34.1, Code of Alabama 1975, or is charged with distribution of a controlled substance, then upon notice or knowledge of the charge, the local public school system shall assign the juvenile to an alternative school, if an alternative school is available, unless good cause is shown that the juvenile should not attend an alternative school. The decision to assign a student to an alternative school shall include a review and consideration

of the exceptional status of the student pursuant to Chapter 39 of Title 16, Code of Alabama 1975, if applicable, and any appropriate federal and state statutory and case law.

(b) Any person convicted of a crime specified in subsection (a) and readmitted to the public schools of this state shall attend an alternative school until the juvenile meets the requirements set by the local board of education.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Graham, Guin, Hall (L), Hammett, Hawk, Hawkins, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Murphree, Newton (C), Papucci, Parker (P), Payne, Penry, Pringle, Rogers (J), Sanderford, Sanderson, Seibenhener, Smith, Thomas (J), Townsend, Turnham, Vance, Warren, White, Willis and Wren.

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And the bill:

H. 149. To amend Section 12-15-71, Code of Alabama 1975, to require that under certain conditions a court order a juvenile to attend an alternative school if the juvenile is found to be delinquent and is committed to a juvenile detention facility or to the Department of Youth Services, but the juvenile detention facility or the Department of Youth Services is unable to take the juvenile due to a lack of space; to provide for a court to order a juvenile who has been certified by the juvenile court as an adult to attend an alternative school; to provide that the juvenile court may release an order requiring the juvenile attend an alternative school to the appropriate board of education; and to provide that a juvenile age 16 or over charged as an adult or with distribution of a controlled substance would be assigned to an alternative school.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Buskey, Cams, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 3. COMMENDING CHARLES DUCKWORTH OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

S.J.R. 4. COMMENDING JOSH EADS OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

S.J.R. 5. COMMENDING WILLIE JONES OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

S.J.R. 6. COMMENDING MARCUS KEYES OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

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Also:

S.J.R. 7. COMMENDING JASON SMITH OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

S.J.R. 8. COMMENDING NATE GEORGE OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

S.J.R. 9. MOURNING THE DEATH OF THOMAS HAROLD ESPY, JR., OF MONTGOMERY, ALABAMA.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative Curry offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 37.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 81. NAMING THE "EDDIE MARTIN PARKWAY" IN ST. CLAIR COUNTY, ALABAMA.

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Also:

H.J.R. 84. CONGRATULATING THE DALEVILLE HIGH SCHOOL JROTC WARHAWK RIFLE TEAM ON ITS STATE CHAMPIONSHIP.

Also:

H.J.R. 86. MOURNING THE DEATH OF ESCOUS B. GOODE, M.D., OF MOBILE, ALABAMA.

Also:

H.J.R. 87. COMMENDING TAMARA JENKINS AS PAST PRESIDENT OF THE ALABAMA YOUNG DEMOCRATS.

Also:

H.J.R. 88. HONORING LEE WOODWARD UPON HIS RETIREMENT AS EDITOR OF THE HUNTSVILLE NEWS.

Also:

H.J.R. 89. URGING CITIZENS AND PUBLIC OFFICERS OF THE STATE TO FERVENTLY OBSERVE NATIONAL PEARL HARBOR REMEMBRANCE DAY.

Also:

H.J.R. 92. INVITING OLYMPIC GOLD MEDALIST JENNIFER CHANDLER JONES TO ADDRESS THE ALABAMA LEGISLATURE.

Also:

H.J.R. 93. HONORING MRS. LILLIE MOSS DUNCAN ON THE OCCASION OF HER 100TH BIRTHDAY.

**McDOWELL LEE
Secretary**

RESOLUTIONS

The following resolution was introduced:

By Representative Johnson (R):

H.J.R. 98. COMMENDING THE COTTON WAREHOUSE ASSOCIATES OF AVONDALE MILLS, INC., FOR OUTSTANDING ACHIEVEMENT.

The resolution, H.J.R. 98, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Graham:

H.R. 99. COMMENDING BRYAN YATES UPON HIS INDUCTION INTO THE 1996 ALABAMA HIGH SCHOOL SPORTS HALL OF FAME.

Also:

By Representative Hawkins:

H.R. 100. CONGRATULATING BARNEY SCOTT WILBORN ON OBTAINING THE RANK OF EAGLE SCOUT.

Also:

By Representative Hawkins:

H.R. 101. CONGRATULATING ANDREW GILLIAM BROOKS ON OBTAINING THE RANK OF EAGLE SCOUT.

Also:

By Representative Hawkins:

H.R. 102. CONGRATULATING WALTER EDWIN WHATLEY ON OBTAINING THE RANK OF EAGLE SCOUT.

Also:

By Representative Hawkins:

H.R. 103. CONGRATULATING RILEY BOWEN TOMLINSON ON OBTAINING THE RANK OF EAGLE SCOUT.

Also:

By Representative Turnham:

H.R. 104. COMMENDING JAMES EDWIN HORTON, JR., UPON HIS INDUCTION INTO THE AUBURN UNIVERSITY AGRICULTURAL ALUMNI HALL OF HONOR.

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Also:

By Representative Hawkins:

H.R. 105. CONGRATULATING JENNINGS BOWLING MARSHALL ON OBTAINING THE RANK OF EAGLE SCOUT.

Also:

By Representative Crigler:

H.R. 106. MOURNING THE DEATH OF PAUL F. PEARSON OF THEODORE, ALABAMA.

Also:

By Representative Layson:

H.R. 107. RECOGNIZING DR. WILLIAM HILL AS RECIPIENT OF THE COUNTRY DOCTOR OF THE YEAR AWARD.

Also:

By Representatives Sanderford, Haney, Papucci, Jorgensen, Hall (L), Hinshaw and Hall (A):

H.R. 108. COMMENDING G. P. BRIDWELL, DIRECTOR OF NASA'S MARSHALL SPACE FLIGHT CENTER, FOR DISTINGUISHED SERVICE.

Also:

By Representative Houston:

H.R. 109. COMMENDING PASTOR WILLIAM JOSEPH SANKEY, SR., ON HIS 24TH PASTORAL ANNIVERSARY AT THE FRIENDSHIP BAPTIST CHURCH, BRIGHTON, ALABAMA.

Also:

By Representative Rogers (J):

H.R. 110. MOURNING THE DEATH OF NORRIS KEITH YOUNG.

Also:

By Representative Turnham:

H.R. 111. HONORING THE LATE L. SYKES MARTIN AS RECIPIENT OF THE ALABAMA AGRICULTURE PIONEER AWARD.

Also:

By Representative Turnham:

H.R. 112. COMMENDING EDWIN V. SMITH AS RECIPIENT OF THE ALABAMA AGRICULTURE PIONEER AWARD.

Also:

By Representative Knight (J):

H.R. 113. RECOGNIZING DR. WILLIE J. PAUL OF MONTGOMERY, ALABAMA.

Also:

By Representative Turnham:

H.R. 114. MOURNING THE DEATH OF MYRTLE RUTH CULPEPPER DEES OF FRANKLIN, ALABAMA.

Also:

By Representative Turnham:

H.R. 115. MOURNING THE DEATH OF LYNDA MEADOWS TORBERT OF OPELIKA, ALABAMA.

Also:

By Representative Turnham:

H.R. 116. MOURNING THE DEATH OF WILLIAM H. BECKWITH, SR., OF AUBURN, ALABAMA.

Also:

By Representative Robinson:

H.R. 117. MOURNING THE DEATH OF MIKE ELLISON OF SCOTTSBORO, ALABAMA.

Also:

By Representative Black (L):

H.R. 118. HONORING THE REVEREND W. D. LEWIS ON HIS DISTINGUISHED MINISTRY AS PASTOR OF LITTLE ZION BAPTIST CHURCH AND BEULAH BAPTIST CHURCH.

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Also:

By Representative Sanderford:

H.R. 119. CONGRATULATING HOLMAN H. STEPHENS ON HIS 80TH BIRTHDAY.

Also:

By Representative Box:

H.R. 120. HONORING MRS. LILLIE MOSS DUNCAN ON THE OCCASION OF HER 100TH BIRTHDAY.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the adoption of the Budget Isolation Resolution previously offered by Representative Curry to the bill, H. 37, and the Budget Isolation Resolution was adopted.

Yeas 75; Nays 1.

Yea:

Representatives Black (L), Black (M), Box, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, White and Wren.

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Nay:

Representative Baker.

And the bill:

H. 37. (With Amendment): To make a supplemental appropriation from the Department of Corrections Special Revenue Fund in the amount of \$3,800,000 and the Correctional Industries Revolving Fund in the amount of \$2,161,000 to the Department of Corrections for the fiscal year ending September 30, 1996.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 37 on Page 2, after line 12 by adding the following and renumbering the following sections accordingly:

"Section 2. It is the intent of the Legislature that the appropriation made in Act 95-740 passed in the 1995 Regular Session to the Alabama Agriculture Museum Board may be used for Capital Outlay purposes by the board."

Further amend the bill on Page 1 by adding after the period on lines 14 and 24 the following: "To allow the Alabama Agriculture Museum Board to expend appropriations in an expended manner."

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Hammett:

H.R. 121. MOURNING THE DEATH OF BASIL W. THOMPSON, SR., OF ANDALUSIA, ALABAMA.

Also:

By Representative Hammett:

H.R. 122. MOURNING THE DEATH OF BLISS G. THOMASSON OF LOCKHART, ALABAMA.

Also:

The following resolutions were introduced:

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By Representative Sanderford:

H.J.R. 123. CONGRATULATING HOLMAN H. STEPHENS ON HIS 80TH BIRTHDAY.

The resolution, H.J.R. 123, was read and referred to the Standing Committee on Rules.

Also:

By Representative Layson:

H.J.R. 124. RECOGNIZING DR. WILLIAM HILL AS RECIPIENT OF THE COUNTRY DOCTOR OF THE YEAR AWARD.

The resolution, H.J.R. 124, was read and referred to the Standing Committee on Rules.

Also:

By Representative Layson:

H.J.R. 125. CONGRATULATING BRYANT LAYSON AS A MEMBER OF THE 1994 PICKENS ACADEMY PIRATES STATE FOOTBALL CHAMPIONSHIP TEAM.

The resolution, H.J.R. 125, was read and referred to the Standing Committee on Rules.

Also:

By Representative Crigler:

H.J.R. 126. COMMENDING JACK E. RAVAN FOR HIS OUTSTANDING CONTRIBUTIONS TO THE STATE OF ALABAMA.

The resolution, H.J.R. 126, was read and referred to the Standing Committee on Rules.

Also:

By Representative Clark (J):

H.J.R. 127. COMMENDING MARY ANN SHEPPARD FOR SERVICE AS PRESIDENT OF THE WOMEN INVOLVED IN FARM ECONOMICS.

The resolution, H.J.R. 127, was read and referred to the Standing Committee on Rules.

Also:

By Representative McMillan:

H.J.R. 128. EXPRESSING LEGISLATIVE INTENT IN ACT NO. 95-395, H. 149 OF THE 1995 REGULAR SESSION, PROVIDING ALTERNATIVE ADVERTISING PROCEDURES FOR ADOPTING MUNICIPAL ZONING ORDINANCES.

The resolution, H.J.R. 128, was read and referred to the Standing Committee on Rules.

Also:

By Representative Rogers (J):

H.J.R. 129. MOURNING THE DEATH OF NORRIS KEITH YOUNG.

The resolution, H.J.R. 129, was read and referred to the Standing Committee on Rules.

Also:

By Representative Jackson:

H.J.R. 130. COMMENDING THE MONROE COUNTY BOARD OF EDUCATION.

The resolution, H.J.R. 130, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hall (L):

H.J.R. 131. MOURNING THE DEATH OF LILLIAN MANNING THOMPSON OF HUNTSVILLE, ALABAMA.

The resolution, H.J.R. 131, was read and referred to the Standing Committee on Rules.

Also:

By Representative Wren:

H.J.R. 132. URGING CONGRESS TO ENACT LEGISLATION PERMITTING LOCAL SCHOOL SYSTEMS TO FORMULATE DISTRICTS THAT UTILIZE NEIGHBORHOOD SCHOOLS.

The resolution, H.J.R. 132, was read and referred to the Standing Committee on Rules.

Also:

By Representative Jackson:

H.J.R. 133. CONGRATULATING MR. AND MRS. ANDREW MCLEOD HAYDEN ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY, JANUARY 4, 1996.

The resolution, H.J.R. 133, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Smith, Hill and Knight (A):

H.J.R. 134. MOURNING THE DEATH OF RALPH SEARS.

The resolution, H.J.R. 134, was read and referred to the Standing Committee on Rules.

Also:

By Representative Jackson:

H.J.R. 135. COMMENDING THE DEMOPOLIS CITY BOARD OF EDUCATION.

The resolution, H.J.R. 135, was read and referred to the Standing Committee on Rules.

Also:

By Representative Jackson:

H.J.R. 136. COMMENDING THE LINDEN CITY BOARD OF EDUCATION.

The resolution, H.J.R. 136, was read and referred to the Standing Committee on Rules.

Also:

By Representative Jackson:

H.J.R. 137. COMMENDING THE MARENGO COUNTY BOARD OF EDUCATION.

The resolution, H.J.R. 137, was read and referred to the Standing Committee on Rules.

Also:

By Representative Jackson:

H.J.R. 138. COMMENDING THE CONECUH COUNTY BOARD OF EDUCATION.

The resolution, H.J.R. 138, was read and referred to the Standing Committee on Rules.

Also:

By Representative Jackson:

H.J.R. 139. COMMENDING THE THOMASVILLE CITY BOARD OF EDUCATION.

The resolution, H.J.R. 139, was read and referred to the Standing Committee on Rules.

Also:

By Representative Jackson:

H.J.R. 140. COMMENDING THE CLARKE COUNTY BOARD OF EDUCATION.

The resolution, H.J.R. 140, was read and referred to the Standing Committee on Rules.

Also:

By Representative Jackson:

H.J.R. 141. COMMENDING THE CHOCTAW COUNTY BOARD OF EDUCATION.

The resolution, H.J.R. 141, was read and referred to the Standing Committee on Rules.

Also:

By Representative Jackson:

H.J.R. 142. CONGRATULATING MRS. RUTH E. LANING OF THOMASVILLE, ALABAMA, ON THE OCCASION OF HER 100TH BIRTHDAY.

The resolution, H.J.R. 142, was read and referred to the Standing Committee on Rules.

Also:

By Representative Smith:

H.J.R. 143. MOURNING THE DEATH OF JIM DUTTON OF JEMISON, ALABAMA.

The resolution, H.J.R. 143, was read and referred to the Standing Committee on Rules.

Also:

By Representative Robinson:

H.R. 144. PETITIONING THE U.S. ARMY CORPS OF ENGINEERS TO STUDY FLOOD CONTROL SOLUTIONS FOR THE DRY CREEK AREA OF SCOTTSBORO, ALABAMA.

The resolution, H.R. 144, was read and referred to the Standing Committee on Rules.

Also:

By Representative Flowers:

H.J.R. 145. URGING THE UNIVERSITY OF ALABAMA AND AUBURN UNIVERSITY TO SCHEDULE FOOTBALL GAMES WITH CLASS 1-AA OPPONENTS FROM WITHIN THE STATE.

The resolution, H.J.R. 145, was read and referred to the Standing Committee on Rules.

H. 37 RESUMED

AMENDMENT TABLED

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means to the bill, H. 37, and on motion of Representative Curry, the committee amendment was tabled.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maul, McAdory, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrow, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Warren and Willis.

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And the bill, H. 37, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White and Willis.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Hilliard intended to vote "Yea" on passage of the bill, H. 37.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 188. Relating to Randolph County; amending Act No. 85-616, H. 696 of the 1985 Regular Session (Acts 1985, p. 944), to provide that the sheriff in his or her official capacity may expend excess allowances payable by the state for feeding prisoners for the maintenance and upkeep of the county jail; and to provide that the provisions of this act are declaratory of existing law and are retroactive to January 18, 1983.

TOMMY CARTER
Chairman

And the bill, H. 188, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 63. COMMENDING ROBERT THOMAS JANNEY ON OBTAINING THE RANK OF EAGLE SCOUT.

Also:

H.J.R. 64. COMMENDING MR. WILLIAM DENNIS (BILL) LATHAM OF CLANTON, ALABAMA.

Also:

H.J.R. 66. COMMENDING CALE MANLEY OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 69. CREATING AN INTERIM JOINT LEGISLATIVE COMMITTEE TO STUDY FEDERAL BLOCK GRANTS.

Also:

H.J.R. 91. MOURNING THE DEATH OF SAM LETSON OF MOULTON, ALABAMA.

Also:

H.J.R. 55. COMMENDING JARIUS HAYES OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 60. COMMENDING RONALD MCKINNON OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 61. COMMENDING MIKE HOOKS ON THE ANNIVERSARY OF HIS 20TH YEAR IN RADIO MINISTRY.

Also:

H.J.R. 62. COMMENDING JEFF DANSBY AS EMERGENCY MEDICAL TECHNICIAN OF THE YEAR IN CHILTON COUNTY.

Also:

H.J.R. 65. COMMENDING REPRESENTATIVE JOHN KNIGHT FOR CHAIRING THE JOINT INTERIM LEGISLATIVE COMMITTEE TO INVESTIGATE TAX AUDITS OF THE DEPARTMENT OF REVENUE.

Also:

H.J.R. 70. COMMENDING THE ALABAMA FEDERATION OF WOMEN'S CLUBS FOR 100 YEARS OF SERVICE TO ALABAMA CITIZENS.

Also:

H.J.R. 76. COMMENDING JERRY BROWN--A NINTH GENERATION FOLK POTTER.

Also:

H.J.R. 77. COMMENDING THE SAKS HIGH SCHOOL GIRLS' VOLLEY-BALL TEAM ON WINNING THE 1995 CLASS 5A STATE CHAMPIONSHIP.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 81. NAMING THE "EDDIE MARTIN PARKWAY" IN ST. CLAIR COUNTY, ALABAMA.

Also:

H.J.R. 84. CONGRATULATING THE DALEVILLE HIGH SCHOOL JROTC WARHAWK RIFLE TEAM ON ITS STATE CHAMPIONSHIP.

Also:

H.J.R. 86. MOURNING THE DEATH OF ESCOUS B. GOODE, M.D., OF MOBILE, ALABAMA.

Also:

H.J.R. 87. COMMENDING TAMARA JENKINS AS PAST PRESIDENT OF THE ALABAMA YOUNG DEMOCRATS.

Also:

H.J.R. 88. HONORING LEE WOODWARD UPON HIS RETIREMENT AS EDITOR OF THE HUNTSVILLE NEWS.

Also:

H.J.R. 89. URGING CITIZENS AND PUBLIC OFFICERS OF THE STATE TO FERVENTLY OBSERVE NATIONAL PEARL HARBOR REMEMBRANCE DAY.

Also:

H.J.R. 92. INVITING OLYMPIC GOLD MEDALIST JENNIFER CHANDLER JONES TO ADDRESS THE ALABAMA LEGISLATURE.

Also:

H.J.R. 93. HONORING MRS. LILLIE MOSS DUNCAN ON THE OCCASION OF HER 100TH BIRTHDAY.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 121, was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White and Willis.

And the bill:

H. 121. (With Amendment): To provide for a supplemental appropriation from the State General Fund for the fiscal year ending September 30, 1996, in the amount of \$2,993,334 to various state agencies; and to provide for an effective date.

was taken up.

SUBSTITUTE OFFERED

Representative Fuller offered the following substitute to the bill, H. 121, and to the pending amendment reported by the Standing Committee on Ways and Means:

**A BILL
TO BE ENTITLED
AN ACT**

To provide for a supplemental appropriation from the State General Fund for the fiscal year ending September 30, 1996, in the amount of \$8,993,334 to various state agencies; to provide for the expanded use of the fiscal year 1996 appropriation to the Alabama Agricultural Museum Board; and to provide for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated to the following state agencies, the following amounts from the State General Fund for the fiscal year ending September 30, 1996:

a. Department of Public Safety..... 5,800,000

Of the above appropriation, the sum of \$300,000 is to be used to fund the Child Pornography Unit of the Alabama Bureau of Investigation.

b. District Attorneys..... 1,400,000

Of the above appropriation, the sum of \$500,000 shall be used to prosecute pornography and child pornography cases in the various circuits of the state.

c. Department of Forensic Sciences..... 871,334

d. Unified Judicial System
(Administrative Office of Courts)..... 922,000

Section 2. It is the intent of the Legislature that the appropriation made in Act 95-740 passed in the 1995 Regular Session to the Alabama Agriculture Museum Board may be used for capital outlay purposes by the Board.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Hall (A), Hall (L), Hamilton, Hawk, Hawkins, Hayden, Hill, Hilliard, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren and Willis.

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And the bill:

H. 121. To provide for a supplemental appropriation from the State General Fund for the fiscal year ending September 30, 1996, in the amount of \$8,993,334 to various state agencies; to provide for the expanded use of the fiscal year 1996 appropriation to the Alabama Agricultural Museum Board; and to provide for an effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham,

Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 122, was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 122. (With Amendment): To provide for a supplemental appropriation from the State General Fund for the fiscal year ending September 30, 1996, in the amount of \$6,688,000 to various state agencies; to provide for a supplemental appropriation from the Special Mental Health Fund of \$2,000,000 to the Department of Mental Health and Mental Retardation for the fiscal year ending September 30, 1996; and to provide for an effective date.

was taken up.

SUBSTITUTE OFFERED

Representative Fuller offered the following substitute to the bill, H. 122, and to the pending amendment reported by the Standing Committee on Ways and Means:

**A BILL
TO BE ENTITLED
AN ACT**

To provide for a supplemental appropriation from the State General Fund for the fiscal year ending September 30, 1996, in the amount of \$7,588,000 to various state agencies; to provide for a supplemental appropriation from the Special Mental Health Fund of \$2,000,000 to the Department of Mental Health and Mental Retardation for the fiscal year ending September 30, 1996; to provide for the expanded use of the fiscal year 1996 appropriation to the Alabama Agricultural Museum Board; to provide for a supplemental appropriation to the Alabama Forestry Commission from the Forestry Commission Fund in the amount of \$1,500,000 for the fiscal year ending September 30, 1996; and to provide for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated to the following state agencies, the following amounts from the State General Fund for the fiscal year ending September 30, 1996:

- | | |
|--|-----------|
| a. Department of Agriculture and Industries..... | 700,000 |
| b. Department of Human Resources..... | 2,000,000 |

The above appropriation shall be used only for the JOBS Child Care and after School Child Care program and shall not be used to supplant or decrease any existing support or other funding for the subsidized child care program.

- | | |
|-------------------------------------|---------|
| c. Alabama Forestry Commission..... | 500,000 |
|-------------------------------------|---------|

The above appropriation shall be used to fund rural volunteer fire departments.

- | | |
|--|---------|
| d. Department of Veterans Affairs..... | 400,000 |
|--|---------|

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e. Department of Youth Services.....	2,300,000
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Of the above appropriation, the sum of \$300,000 shall be used by the Department for the Wilderness Camp program.

f. Historic Blakeley Authority.....	138,000
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g. Alabama Development Office.....	1,000,000
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h. Alabama Department of Economic and Community Affairs.....	400,000
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i. Examiners of Public Accounts.....	150,000
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Section 2. In addition to any and all other funds heretofore or hereafter appropriated to the Department of Mental Health and Mental Retardation, there is hereby appropriated from the Special Mental Health Fund, the amount of \$2,000,000 to the Department of Mental Health and Mental Retardation for the fiscal year ending September 30, 1996.

Section 3. It is the intent of the Legislature that the appropriation made in Act 95-740 passed in the 1995 Regular Session to the Alabama Agriculture Museum Board may be used for capital outlay purposes by the Board.

Section 4. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated from the Forestry Commission Fund to the Alabama Forestry Commission the sum of \$1,500,000 for the fiscal year ending September 30, 1996.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A),

Knight (J), Laird, Layson, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 122. To provide for a supplemental appropriation from the State General Fund for the fiscal year ending September 30, 1996, in the amount of \$7,588,000 to various state agencies; to provide for a supplemental appropriation from the Special Mental Health Fund of \$2,000,000 to the Department of Mental Health and Mental Retardation for the fiscal year ending September 30, 1996; to provide for the expanded use of the fiscal year 1996 appropriation to the Alabama Agricultural Museum Board; to provide for a supplemental appropriation to the Alabama Forestry Commission from the Forestry Commission Fund in the amount of \$1,500,000 for the fiscal year ending September 30, 1996; and to provide for an effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 84; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representative Mitchell.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 149. To amend Section 12-15-71, Code of Alabama 1975, to require that under certain conditions a court order a juvenile to attend an alternative school if the juvenile is found to be delinquent and is committed to a juvenile detention facility or to the Department of Youth Services, but the juvenile detention facility or the Department of Youth Services is unable to take the juvenile due to a lack of space; to provide for a court to order a juvenile who has been certified by the juvenile court as an adult to attend an alternative school; to provide that the juvenile court may release an order requiring the juvenile attend an alternative school to the appropriate board of education; and to provide that a juvenile age 16 or over charged as an adult or with distribution of a controlled substance would be assigned to an alternative school.

TOMMY CARTER
Chairman

And the bill, H. 149, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 119, was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell,

Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, White and Wren.

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And the bill:

H. 119. To make a supplemental appropriation from the State General Fund in the amount of \$850,000 to the Child Advocacy Centers for the fiscal year ending September 30, 1996.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, White and Wren.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Hilliard intended to vote "Yea" on passage of the bill, H. 119.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Galliher, the Budget Isolation Resolution relating to the bill, H. 12, was adopted.

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Also:

By Representative Sanderford:

H.R. 119. CONGRATULATING HOLMAN H. STEPHENS ON HIS 80TH BIRTHDAY.

Also:

By Representative Box:

H.R. 120. HONORING MRS. LILLIE MOSS DUNCAN ON THE OCCASION OF HER 100TH BIRTHDAY.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the adoption of the Budget Isolation Resolution previously offered by Representative Curry to the bill, H. 37, and the Budget Isolation Resolution was adopted.

Yeas 75; Nays 1.

Yea:

Representatives Black (L), Black (M), Box, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, White and Wren.

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Nay:

Representative Baker.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Renumber the remaining section

MOTION TO ADJOURN LOST

The motion offered by Representative Seibenhener that the House adjourn until 10:00 o'clock a.m., Thursday, February 22, 1996, was lost.

Yeas 14; Nays 65.

Yea:

Representatives Black (L), Crigler, Hayden, Holmes, Houston, Kennedy, Maull, McAdory, McKee, Morton, Rogers (J), Rogers (M), Sanderson and Seibenhener.

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Nay:

Mr. Speaker, Allen, Bandy, Box, Burke, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Layson, McDaniel, McMillan, Melton, Millican, Mitchell, Morrison, Morrow, Murphree, Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance and White.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 121. To provide for a supplemental appropriation from the State General Fund for the fiscal year ending September 30, 1996, in the amount of \$8,993,334 to various state agencies; to provide for the expanded use of the fiscal year 1996 appropriation to the Alabama Agricultural Museum Board; and to provide for an effective date.

TOMMY CARTER
Chairman

And the bill, H. 121, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 122. To provide for a supplemental appropriation from the State General Fund for the fiscal year ending September 30, 1996, in the amount of \$7,588,000 to various state agencies; to provide for a supplemental appropriation from the Special Mental Health Fund of \$2,000,000 to the Department of Mental Health and Mental Retardation for the fiscal year ending September 30, 1996; to provide for the expanded use of the fiscal year 1996 appropriation to the Alabama Agricultural Museum Board; to provide for a supplemental appropriation to the Alabama Forestry Commission from the Forestry Commission Fund in the amount of \$1,500,000 for the fiscal year ending September 30, 1996; and to provide for an effective date.

TOMMY CARTER
Chairman

And the bill, H. 122, as engrossed, was ordered sent to the Senate.

H. 12 RESUMED

The question was then on the adoption of the amendment previously reported by the Standing Committee on Ways and Means.

MOTION TO INDEFINITELY POSTPONE OFFERED

Representative Holmes offered the motion to indefinitely postpone the bill, H. 12, and the pending amendment reported by the Standing Committee on Ways and Means.

MOTION IN WRITING OFFERED

Representative Seibenhener offered the following Motion in Writing relating to the bill, H. 12:

I move the previous question.

MOTION IN WRITING ADOPTED

And the Motion in Writing was adopted.

Yeas 33; Nays 22.

Yea:

Representatives Allen, Carns, Carter, Clouse, Crigler, Dean, Drake, Ford, Galliher, Graham, Hall (A), Hawk, Hill, Hinshaw, Hooper, Houston, Lindsey, McDaniel, McMillan, Morrison, Morrow, Murphree, Page, Papucci, Payne, Penry, Pringle, Robinson, Seibenhener, Sims, Starkey, Townsend and Wren.

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Nay:

Representatives Bandy, Box, Buskey, Clark (W), Flowers, Hall (L), Hayden, Holmes, Jackson, Kennedy, Knight (J), McAdory, McClammy, Minnifield, Mitchell, Perdue, Reed, Rogers (J), Spratt, Turnham, Vance and White.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Haney intended to vote "Yea" on the Motion in Writing offered by Representative Seibenhener to the bill, H. 12.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Biddle:

S. 269. To authorize the Alabama National Guard to enter into an interstate compact to assist others in drug interdiction, counter-drug activities, and demand reduction; and to provide for its purposes, member parties, organization, structure, powers, and duties.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 269. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Biddle:

S. 270. To amend Section 31-2-60 of the Code of Alabama 1975, relating to the military department; to delete references to grade for deputy adjutants general and assistant adjutants general for the Army and Air National Guard.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 270. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Butler:

S. 9. To amend Section 6-2-8, Code of Alabama 1975, which relates to the extension of the time for the commencement of certain civil actions; actions for entry upon land; or defenses based on title to real property, to remove the extended period of time allowed for the commencement of a civil action by certain persons imprisoned on a criminal charge for a term less than life.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 9. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Butler:

S. 35. To amend Section 6-2-33 of the Code of Alabama 1975, which provides for the statute of limitations for certain civil actions against sheriffs, coroners, constables, and other public officers for nonfeasance, misfeasance and malfeasance in office, to further provide that the statutory period for action against the officers would apply only to actions brought by or on behalf of the State of Alabama, a county, a municipality, or other political subdivision of the state; and to provide an effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 35. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Mitchell, Windom, Dial, Myers, Little, Denton, Roberts, Amari, Waggoner, Butler, Clay, Bedford, Freeman, Figures, Bailey, Adams, Hill, Langford, Mitchem, McClain, Smith, Sanders, Steele, and Ghee:

S. 255. Providing for mandatory mediation prior to trial under certain instances and imposing sanctions for failure to mediate.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 255. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator McClain:

S. 142. To amend Sections 11-47-210 to 11-47-219, inclusive, Code of Alabama 1975, which empower municipalities to acquire and manage public parks, playgrounds, and other recreational or athletic facilities and which provide

for the formation of authorities to act on behalf of the municipalities in exercising the powers; to provide further for definitions for particular terms relating to certain public corporations and for the types of properties and facilities that are subject to being acquired and managed pursuant to Article 9 of Chapter 47 of Title 11 of the Code of Alabama 1975; to grant to any county the powers granted to municipalities by the article; to provide with more specificity for the procedure to be followed in organizing an authority pursuant to the article; to modify the article respecting the composition of the governing body of the authority and to further define and expand the powers to be enjoyed by the authority; to empower the authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds, and other obligations payable solely out of the revenues, receipts, income, funds, or other sources specified in the proceedings under which the bonds, notes, or other obligations are issued; to authorize the authority to pledge its revenues and mortgage or assign its assets as security for its notes, bonds, or other obligations; to provide for the issuance of refunding bonds, notes, or other obligations by an authority for the purpose of refunding bonds, notes, or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment, or pledge created or made by the authority; to provide that the notes, bonds, and other obligations of the authority shall constitute negotiable instruments; to provide that the notes, bonds, and other obligations of the authority may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the state the property, corporate activities, revenues, and income of the authority, the transactions or actions to which the authority is a party or in which it may be involved, and the notes, bonds, and all other obligations of the authority and the interest on the notes, bonds, and obligations; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to confer upon an authority organized under this act the power of eminent domain; to provide that any county, municipality, or other political subdivision, agency, or instrumentality of the state or any county or municipality may aid and cooperate with the authority, lend or donate money or perform services for the benefit thereof and, without the necessity of an election, donate, sell, convey, transfer, lease, or grant thereto any property of any kind; to authorize any county or municipality to enter into contracts providing for periodic monetary payments by the county or municipality to the authority, or for its benefit, to serve as a source of payment for notes, bonds, or other obligations of the authority; to specify the extent to which such a contract shall constitute or result in a debt of the county or municipality for purposes of any applicable limitation on indebtedness imposed by the constitution or other laws of the state; to provide that the authority shall be a not-for-profit corporation; to provide that such an authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes, or other obligations by the authority, and to provide that any action or proceeding

questioning the validity of the bonds, notes, or other obligations, or instruments securing the same, shall be commenced within 30 days after the first publication of the notice; and to provide that the provisions of this act shall be severable.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 142. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Biddle and Freeman:

S. 151. To amend Sections 40-23-4 and 40-23-62, Code of Alabama 1975, to exempt all domestically mined or produced coal, coke, and coke by-products used in cogeneration plants in the state from the payment of all state sales and use taxes.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 151. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Mitchem, Steele, Bedford, Butler, Poole, Ghee, McClain, Langford, Denton, Davidson, Lindsey, Mitchell, Windom, Barron, Roberts, Figures, Amari, Biddle, Bailey, Waggoner, Little, Adams, Dial, Freeman, Smitherman, Myers, Escott-Russell, Sanders, Armistead, Hill, Lipscomb, Dixon, Clay, and Smith:

S. 239. To provide for a cost-of-living increase to certain retirees and beneficiaries of the Employees' Retirement System.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 239. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Ghee:

S. 181. Providing for distinctive motor vehicle license tags or plates for supporters of the Arts in Alabama; establish an Arts Education License Plate Advisory Committee; provide for a charitable deduction; and provide for a delayed effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 181. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Freeman:

S. 202. To amend Section 36-27-15.2 of the Code of Alabama 1975, to provide further for allowing the purchase of prior service credit in the Employees' Retirement System or the Teachers' Retirement System for prior service rendered in the Job Corps.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 202. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Freeman:

S. 210. To exempt from the state sales tax sales by certain schools or school sponsored organizations if the proceeds from the sales are used for the benefit of the school or its students.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 210. Ways and Means.

MOTION TO ADJOURN LOST

The motion offered by Representative Holmes that the House adjourn until 10:00 o'clock a.m., Thursday, February 22, 1996, was lost.

H. 12 RESUMED**MOTION TO INDEFINITELY POSTPONE LOST**

The question was then on the motion offered by Representative Holmes to indefinitely postpone the bill, H. 12, and the pending amendment reported by the Standing Committee on Ways and Means, and the motion to indefinitely postpone was lost.

Yeas 6; Nays 79.

Yea:

Representatives Bandy, Hayden, Holmes, McAdory, Mitchell and Rogers (J).

- 6

Nay:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maul, McClammy, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

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AMENDMENT ADOPTED

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means to the bill, H. 12, and the committee amendment was adopted.

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Yeas 85; Nays 6.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Hayden, Hilliard, McAdory, Minnifield, Mitchell and Spratt.

- 6

And the bill:

H. 12. To amend Section 41-23-30, Code of Alabama 1975; to provide additional tax exemptions for certain eligible businesses under the Alabama Enterprise Zone Act.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 75; Nays 9.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Millican, Moore, Morton, Murphree, Newton (C), Page, Papucci, Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Dolbare, Hayden, Hilliard, Holmes, Jackson, McAdory, Minnifield, Mitchell and Spratt.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Galliher abstained from voting on the bill, H. 12, due to a possible conflict of interest and the following was filed by him:

Pursuant to the provisions of Section 82 of Article 4 of the Constitution of the State of Alabama 1901, it appears that I may have a conflict of interest in House Bill 12 and disclosing the fact that I am employed by Gulf States Steel a potential beneficiary of House Bill No. 12, I am therefore informing the House that I shall refrain from voting on the measure.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Turnham:

H.R. 146. COMMENDING FRED R. ROBERTSON ON HIS INDUCTION INTO THE AUBURN UNIVERSITY AGRICULTURAL ALUMNI HALL OF HONOR.

Also:

By Representative Turnham:

H.R. 147. COMMENDING GENE RAGAN ON HIS INDUCTION INTO THE AUBURN UNIVERSITY AGRICULTURAL ALUMNI HALL OF HONOR.

Also:

The following resolutions were introduced:

By Representatives Thomas (D), Galliher, Townsend and Payne:

H.R. 148. EXPRESSING OPPOSITION TO THE PRIVATIZATION OF MAXIMUM SECURITY PRISONS.

The resolution, H.R. 148, was read and referred to the Standing Committee on Rules.

Also:

By Representative Willis:

H.J.R. 149. MOURNING THE DEATH OF GEANETT WALLACE MORGAN OF PIEDMONT, ALABAMA.

The resolution, H.J.R. 149, was read and referred to the Standing Committee on Rules.

Also:

By Representative Willis:

H.J.R. 150. COMMENDING L. T. AND GEANETT MORGAN UPON THEIR INDUCTION INTO THE 1996 "HUDDLE HOUSE HALL OF FAME."

The resolution, H.J.R. 150, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bedford:

S.J.R. 12. SUSTAINING THE DISAPPROVAL BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW OF THE PROPOSED REPEAL BY THE STATE REVENUE DEPARTMENT OF RULE NO. 810-2-3.03, ENTITLED "EXCLUSION OF INVESTMENT IN SUBSIDIARIES."

WHEREAS, the State Revenue Department filed a "Notice of Intended Action" of the proposed repeal of Rule No. 810-2-3.03, entitled "Exclusion of Investment in Subsidiaries," which was published in the Alabama Administrative Monthly, dated March 31, 1995; and

WHEREAS, the State Revenue Department certified to the Legislative Reference Service the adoption of the proposed repeal of Rule No. 810-2-3.03, on May 17, 1995, which was the subject of a review at a meeting of the Joint Committee on Administrative Regulation Review on June 20, 1995; and

WHEREAS, after hearing from interested persons, the Joint Committee, in accordance with subsection (e) of Section 41-22-23 of the Code of Alabama 1975, disapproved the proposed repeal of Rule No. 810-2-3.03, entitled "Exclusion of Investment in Subsidiaries"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the decision of the Joint Committee to disapprove the proposed repeal by the State Revenue Department of Rule No. 810-2-3.03 entitled "Exclusion of Investment in Subsidiaries" is sustained.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 12, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bedford:

S.J.R. 14. SUSTAINING THE DISAPPROVAL BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW OF THE ALABAMA STATE BOARD OF CHIROPRACTIC EXAMINERS PROPOSED AMENDMENT OF RULE NO. 190-X-2-.01, ENTITLED "GRADUATION FROM APPROVED COLLEGE REQUIRED."

WHEREAS, the Alabama State Board of Chiropractic Examiners filed a "Notice of Intended Action" of the proposed Amendment of Rule No. 190-X-2-.01, entitled "Graduation From Approved College Required," which was published in the Alabama Administrative Monthly, dated May 31, 1995; and

WHEREAS, the Alabama State Board of Chiropractic Examiners certified to the Legislative Reference Service the adoption of an amendment to Rule No. 190-X-2-.01, on August 10, 1995, which was the subject of a review at a meeting of the Joint Committee on Administrative Regulation Review on September 14, 1995; and

WHEREAS, after hearing from interested persons, the Joint Committee, in accordance with subsection (e) of Section 41-22-23 of the Code of Alabama 1975, disapproved the proposed amendment of Rule No. 190-X-2-.01, entitled "Graduation From Approved College Required"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the decision of the Joint Committee to disapprove the proposed rule amendment by the Alabama State Board of Chiropractic Examiners to Rule No. 190-X-2-.01, entitled "Graduation From Approved College Required," is sustained.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 14, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Lindsey, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 27. COMMENDING JAMES D. ELROD FOR OUTSTANDING SERVICE AS LEGISLATIVE DIRECTOR OF THE UNITED TRANSPORTATION UNION FOR THE STATE OF ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 27, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Waggoner:

S.J.R. 26. CONGRATULATING PIZITZ MIDDLE SCHOOL OF VESTAVIA HILLS, ALABAMA, AS RECIPIENT OF THE NATIONAL BLUE RIBBON SCHOOL OF EXCELLENCE AWARD.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 26, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Hill:

S.J.R. 25. MOURNING THE DEATH OF ADAM LAYNE DARLING.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 25, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Bedford and Steele:

S.J.R. 24. COMMENDING JOSEPH MALLISHAM FOR OUTSTANDING SERVICE TO THE TUSCALOOSA COUNTY COMMISSION.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 24, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Armistead and Smitherman:

S.J.R. 23. MOURNING THE DEATH OF RALPH W. SEARS.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 23, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Escott-Russell:

S.J.R. 22. URGING THE INSTALLATION OF REMOTE-CONTROLLED GATE OPENERS FOR STATE HOUSE PARKING LOTS AND DECKS.

WHEREAS, the installation of remote-controlled gate openers for the State House parking lots and decks would enhance the convenience and safety of those persons assigned parking on those lots and decks utilized by House and Senate members; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the Telecommunications Division of the Department of Finance to install remote-controlled gates for the parking lots and decks of the State House and to provide remote-controlled activators for gates, similar to garage-door openers, for those persons assigned places on those lots and decks.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Director of the Telecommunications Division of the Department of Finance.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 22, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bedford:

S.J.R. 21. COMMENDING J. L. CHESTNUT, JR., ON HIS PAST AND CONTINUING COMMITMENT TO THE CAUSE OF CIVIL RIGHTS.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 21, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Langford:

S.J.R. 18. RECOGNIZING THE CELEBRATION AND ACTIVITIES OF NATIONAL TRIO DAY AT ALABAMA STATE UNIVERSITY.

Also:

By Senator Little:

S.J.R. 19. COMMENDING JEFF OLIVER AS 1995 ALTERNATE ALABAMA TEXTILE CITIZEN OF THE YEAR.

Also:

By Senator Little:

S.J.R. 20. MOURNING THE DEATH OF HUGH BRYANT BYRD OF LEE COUNTY, ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 18, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 19, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 20, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Butler, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 13. COMMENDING THE ALABAMA FEDERATION OF WOMEN'S CLUBS FOR 100 YEARS OF SERVICE TO ALABAMA CITIZENS.

Also:

By Senator Little:

S.J.R. 15. COMMENDING WILLA ALFORD AS 1995 ALABAMA TEXTILE CITIZEN OF THE YEAR.

Also:

By Senator Little:

S.J.R. 16. MOURNING THE DEATH OF HOVEY CROMER OF ALEXANDER CITY, ALABAMA.

Also:

By Senator Little:

S.J.R. 17. MOURNING THE DEATH OF ROBERT H. WILDER, SR., OF DADEVILLE, ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 13, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 15, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 16, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 17, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:27 P.M. on February 21, 1996.

H.J.R. 9	H.J.R. 33	H.J.R. 59
H.J.R. 3	H.J.R. 34	H.J.R. 39
H.J.R. 2	H.J.R. 40	H.J.R. 4
H.J.R. 19	H.J.R. 41	H.J.R. 6
H.J.R. 20	H.J.R. 42	H.J.R. 8
H.J.R. 22	H.J.R. 43	H.J.R. 5
H.J.R. 23	H.J.R. 47	H.J.R. 7
H.J.R. 24	H.J.R. 48	H.J.R. 35
H.J.R. 25	H.J.R. 51	H.J.R. 36
H.J.R. 26	H.J.R. 52	H.J.R. 37
H.J.R. 27	H.J.R. 53	H.J.R. 38
H.J.R. 28	H.J.R. 54	H.J.R. 44
H.J.R. 32	H.J.R. 56	H.J.R. 45
H.J.R. 29	H.J.R. 57	H.J.R. 46
H.J.R. 31	H.J.R. 58	H.J.R. 50

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Delivered to the Governor at 4:05 P.M. on February 21, 1996.

H.J.R. 63	H.J.R. 76
H.J.R. 64	H.J.R. 77
H.J.R. 66	H.J.R. 81
H.J.R. 69	H.J.R. 84
H.J.R. 91	H.J.R. 86
H.J.R. 55	H.J.R. 87
H.J.R. 60	H.J.R. 88
H.J.R. 61	H.J.R. 89
H.J.R. 62	H.J.R. 92
H.J.R. 65	H.J.R. 93
H.J.R. 70	

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Thomas (J), the House adjourned until 10:00 o'clock a.m., Thursday, February 22, 1996.

Yeas 45; Nays 42.

Yea:

Representatives Baker, Bandy, Boyd, Buskey, Carns, Clark (W), Crigler, Dean, Dolbare, Flowers, Hamilton, Hawk, Hayden, Hill, Houston, Kennedy, Knight (A), Maull, McAdory, McClammy, McKee, McMillan, Millican, Minnifield, Moore, Morrow, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Pringle, Reed, Rogers (J), Sanderson, Seibenhener, Sims, Thomas (J), Townsend, Turner, Warren, White and Wren.

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Nay:

Mr. Speaker, Black (M), Box, Burke, Carothers, Carter, Clouse, Curry, Drake, Dukes, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hammett, Haney, Hawkins, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Jorgensen, Knight (J), Layson, Lindsey, McDaniel, Mitchell, Morrison, Morton, Murphree, Petelos, Sanderford, Spratt, Thomas (D), Turnham, Vance, Venable and Willis.

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FOURTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, February 22, 1996**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Father Michael Sitaras, Greek Orthodox Cathedral, Birmingham, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Patrick Nix, Senior and Quarterback for Auburn University.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maul, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the third legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the third legislative day was dispensed with.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 98. COMMENDING THE COTTON WAREHOUSE ASSOCIATES OF AVONDALE MILLS, INC., FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Cotton Warehouse Associates of Avondale Mills, Inc., have recently completed their 13th consecutive year without a lost time injury; and

WHEREAS, this exemplary safety record, which converts to more than 4,745 days of primarily outside work involving the receiving and shipping of thousands of bales of raw materials, indeed typifies the steadfast dedication and commitment of each individual associate not only to his or her own personal safety, but to that of fellow associates, and to the general welfare and well-being of the company as well, and is especially deserving of widespread public recognition and praise; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding performance and achievement, we hereby most highly commend and congratulate the Cotton Warehouse Associates of Avondale Mills, Inc.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided as a measure of tribute, and for appropriate presentation and display.

On motion of Representative Carter, the resolution, H.J.R. 98, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 123. CONGRATULATING HOLMAN H. STEPHENS ON HIS 80TH BIRTHDAY.

WHEREAS, Holman H. Stephens, Enterprise, Alabama, was born on February 24, 1916, the seventh of eight children born to William Henry Stephens and Molly Andrews Stephens; and

WHEREAS, Mr. Stephens is an active and faithful member of First Baptist Church of Enterprise, Alabama, and experiences family strength, love, and commitment to the Lord through his church; and

WHEREAS, Mr. Stephens served the farmers of South Alabama with untiring efforts, and earned the respect and admiration of his colleagues through his highly successful and productive career with Enterprise Oil Company for 47 years until his retirement in 1980; and

WHEREAS, in his 80 years upon this earth, Holman H. Stephens has lived life in reverence for God, in love and concern for others more than self, and in making friends of strangers he has met along life's journey; and

WHEREAS, Holman H. Stephens has been married to his loving wife, Louise Bass, for more than 50 years, and they are the proud parents of two children, Betty and Harold; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of his 80th birthday, and in recognition of his outstanding life and service to others, we hereby most highly commend Holman H. Stephens of Enterprise, Alabama, to whom a copy of this resolution shall be provided with our sincere best wishes for every future happiness and success in life.

On motion of Representative Carter, the resolution, H.J.R. 123, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 124. RECOGNIZING DR. WILLIAM HILL AS RECIPIENT OF THE COUNTRY DOCTOR OF THE YEAR AWARD.

WHEREAS, highest commendation is hereby accorded Dr. William Hill of Carrollton, Alabama, as recipient of the prestigious Country Doctor of the Year Award given annually by Staff Care, Inc., an interim physician firm in Irving, Texas, and The Country Doctor Museum in Bailey, North Carolina; and

WHEREAS, Dr. Hill, who was selected from 120 nominees across the nation, was chosen not only for his remarkable record of service to his patients, but because he is a living example of medical history, bridging the gap between routine house calls and routine MRIs, and who indeed serves as a worthy role model in his profession and community; and

WHEREAS, at age 75, and after 48 years of practice, Dr. Hill is a fourth-generation doctor who sees 20 patients a day in the same Carrollton, Alabama, office used by his father and grandfather; his great grandfather, a Confederate officer in the Civil War, was the first Hill physician; and

WHEREAS, as Country Doctor of the Year, Dr. Hill will receive a bronze plaque with the award's signature: a country doctor making his rounds in a horse and buggy, and a similar plaque will be placed in the Country Doctor Museum, the only museum in the country exclusively dedicated to memorializing the contributions of rural medical practitioners; and

WHEREAS, Dr. William Hill, whose wife of 52 years died in June, plans to spend more time with his daughter, and with Special Olympics and Carrollton High School, where he has been team physician for more than 30 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Dr. William Hill be commended on his long and distinguished record of service as a country doctor, and that a copy of this resolution be presented to him as a token of our respect and best wishes.

On motion of Representative Carter, the resolution, H.J.R. 124, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 125. CONGRATULATING BRYANT LAYSON AS A MEMBER OF THE 1994 PICKENS ACADEMY PIRATES STATE FOOTBALL CHAMPIONSHIP TEAM.

WHEREAS, heartiest congratulations are herein extended to Bryant Layson for his contributions to Pickens Academy in winning the State Class 2-A Football Championship in the Alabama Independent School Association (AISA) competition; and

WHEREAS, on the night of November 18, 1994, the Pickens Academy Pirates, not to be denied, rode a 13-game winning streak to defeat the previously unbeaten Springwood Academy Wildcats, 7-0, and capture the State 2-A Championship, and the first football title ever in the school's history; and

WHEREAS, the spectacular championship victory, culminating a remarkable season, again showcased the exceptional skill and talent of head Coach Lynn Wright and his dedicated staff, and the committed will-to-win spirit of each player; and

WHEREAS, Bryant Layson, a fine young athlete of Pickens Academy has brought great honor to his school, and the community, and is indeed deserving of highest praise for his outstanding efforts and contributions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, highest commendation and congratulations are tendered to Bryant Layson of Pickens Academy, the 1994 AISA State 2-A Champions, and direct that a copy of this resolution be provided to him with sincere best wishes for continued success in the future.

On motion of Representative Carter, the resolution, H.J.R. 125, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 126. COMMENDING JACK E. RAVAN FOR HIS OUTSTANDING CONTRIBUTIONS TO THE STATE OF ALABAMA.

WHEREAS, Jack E. Ravan was appointed Director and Chief Executive Officer of Alabama State Docks Department by Governor Fob James on March 13, 1995, and is a member of the Governor's cabinet; and

WHEREAS, Mr. Ravan received his Bachelor of Science Degree in Engineering from the U.S. Military Academy, and attended George Washington University, where he studied law and economics; and

WHEREAS, previously employed as Director of the Environmental Policy Center, Law Companies Group, Inc., in Washington, D.C., Mr. Ravan has served in numerous positions of authority including Regional Administrator of the Environmental Protection Agency's Region IV, and as President and Chief Operating Officer of Rollins Environmental Services, Inc.; and

WHEREAS, Mr. Ravan has contributed greatly to the progress of the maritime industry as one of five U. S. commissioners to serve the permanent Association of Navigation Congresses, one of three U.S. Commissioners who managed and set policies for the Ohio River Basin Commission, and as an Assistant Administrator for Water of the U.S. Environmental Protection Agency; and

WHEREAS, appointed as a member of the Tennessee-Tombigbee Waterway Development Authority by Governor James, Mr. Ravan is also an active member of the Greater Mobile Chamber of Commerce Economic Development Council, Navy League of the United States, the Propeller Club of Mobile, and the Japan-American Society of Alabama's Board of Directors; and,

WHEREAS, as an expression of our tribute and esteem, Judith Adams, Manager of Mobile Middle Bay Port, is hereby commended for her assistance in acquiring extrication equipment for the Grand Bay Fire Department under Mr. Ravan's direction; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That commendation is hereby extended to Jack F. Ravan for his outstanding contributions to the State of Alabama, and further direct that a copy of this resolution be presented Mr. Ravan.

On motion of Representative Carter, the resolution, H.J.R. 126, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 127. COMMENDING MARY ANN SHEPPARD FOR SERVICE AS PRESIDENT OF THE WOMEN INVOLVED IN FARM ECONOMICS.

WHEREAS, Mary Ann Sheppard, a native of Mount Meigs, Alabama, and resident of Shorter, Alabama, is to be commended on her long and distinguished record of service with the Women Involved in Farm Economics, and for her outstanding service as National President of WIFE for 1994-1995; and

WHEREAS, a graduate of Sidney Lanier High School, and active Administrative Board member of Bradford's Chapel United Methodist Church, Mrs. Sheppard and her husband, Hoyt, own a cow-calf operation and, for 35 years have farmed cotton, corn, soybeans, and hay; and

WHEREAS, Mrs. Sheppard has worked with tireless devotion with WIFE since 1980, was President of the Big Hungry Chapter, served on the state level as finance chairman, legislative chairman, delegate to the National Board of Directors, and as state president for five years; and

WHEREAS, on the national level, Mrs. Sheppard has served as area director, membership chairman, ambassador chairman, labor chairman, second vice-president, and first vice-president; and

WHEREAS, Mrs. Sheppard's numerous other activities include membership in the Alabama Farmers' Market Authority, Macon County Soil and Water Conservation Board, Alabama Ag in the Classroom Committee, and as a member of the Alabama Farmers' Market Advisory Board, an appointment made by the Governor of Alabama for 1991-1993; and

WHEREAS, Mary Ann and Hoyt Sheppard are the proud parents of three daughters, Betty Carr, Martha Daughtry, and Jane Bellew and have seven grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama notes the invaluable service rendered by Mary Ann Sheppard as President of Women Involved in Farm Economics, and that a copy of this resolution be presented to her as a token of our respect and best wishes.

On motion of Representative Carter, the resolution, H.J.R. 127, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 130. COMMENDING THE MONROE COUNTY BOARD OF EDUCATION.

WHEREAS, the Monroe County Board of Education recognizes the importance of public education in our community; and

WHEREAS, the Alabama Legislature appreciates the vital role played by those individuals who, as local school board members, establish policies to ensure an efficient, effective school system; and

WHEREAS, the Monroe County Board of Education enables our community to preserve local management and control of our public schools by parents, taxpayers, and laypersons; and

WHEREAS, school board members are charged with representing our local educational interests to state and federal governments, and ensuring compliance with state and federal law; and

WHEREAS, school board members selflessly devote their knowledge, time, and talents as advocates for our school children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize and commend the Monroe County Board of Education members by proclaiming January 1996 as School Board Member Recognition Month in our community.

BE IT FURTHER RESOLVED, That for demonstrating extraordinary community service, and for years of exemplary work performance, we do hereby direct the board receive a copy of this resolution with highest praise and honor.

On motion of Representative Carter, the resolution, H.J.R. 130, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 131. MOURNING THE DEATH OF LILLIAN MANNING THOMPSON OF HUNTSVILLE, ALABAMA.

WHEREAS, recorded with deep and abiding sorrow is the lamentable death of Lillian Manning Thompson of Huntsville, Alabama, on February 7, 1996, at the age of 83 years; and

WHEREAS, a native of Huntsville, Alabama, and the only child of Earl and Marcella Manning, Lillian Manning Thompson was the devoted wife of the late Otho Thompson, and the loving mother of five beautiful children; and

WHEREAS, Lillian Thompson was a faithful and devoted Christian, to whom her Lord and Savior Jesus Christ was the center of her life, and a lifelong member of Cumberland Presbyterian Church, where she attended and enjoyed church services until shortly before her death; and

WHEREAS, she was blessed with a sunny disposition and a heart full of love for her family and friends, which she shared freely, and which was returned in full measure by all those whose lives she touched in genuine care and concern; and

WHEREAS, in the death of Lillian Manning Thompson, the community, her many friends, and her loving family have indeed suffered an inconsolable loss, which leaves them sorely bereft in grief, but with cherished memories to sustain them; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Lillian Manning Thompson of Huntsville, Alabama, and extend our deepest sympathy to her sons, James Earl Thompson, and Carl Thompson; daughters, Eliza Colley, Dorothy Fuller, and Othorine Saunders; 11 grandchildren; five great grandchildren; and other close family members and friends, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 131, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 133. CONGRATULATING MR. AND MRS. ANDREW MCLEOD HAYDEN ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY, JANUARY 4, 1996.

WHEREAS, on January 7, 1996, family and friends gathered to celebrate the 50th Wedding Anniversary of Elizabeth Royal Hayden and Andrew McLeod Hayden, at the home of their daughter, Mrs. Jean LaMaude Barron of Uniontown; and

WHEREAS, joined in matrimony on January 4, 1946, in Opelika, Alabama, Elizabeth and Andrew Hayden have distinguished themselves as valued and respected members of their community through the years, and to all those who have witnessed their commitment to the ideals of marriage, their lasting partnership has served as an enviable example of trust and devotion, and one to be admired and emulated by others; and

WHEREAS, Elizabeth Hayden, the daughter of Mr. and Mrs. C. W. Royal, graduated from Tuskegee Institute and, until retirement, served as a home economics teacher in the Perry County School System; and

WHEREAS, Andrew Hayden, our friend and colleague in the Alabama House of Representatives, and longtime mayor of Uniontown, courted Elizabeth by mail while serving as a member of the United States Army during World War II; and

WHEREAS, the institution of marriage is one of the cornerstones upon which our society is built, and a 50th Wedding Anniversary is indeed a cause for great rejoicing; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Elizabeth and Andrew McLeod Hayden be congratulated upon the occasion of their 50th Wedding Anniversary, as well as upon the character and accomplishments of their lives together, and, by copy of this resolution, conveyed best wishes for many more years of happiness together.

On motion of Representative Carter, the resolution, H.J.R. 133, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 134. MOURNING THE DEATH OF RALPH SEARS.

WHEREAS, a native of Nebraska, Ralph Sears, age 73, was mourned as a native son of Shelby County, where he served as a dedicated City Council member for 16 years, and Mayor of Montevallo for the past 24 years; and

WHEREAS, a veteran of World War II, Mr. Sears and his wife, Marcia, opened radio station WBYE between Montevallo and Calera, and purchased and published two weekly newspapers, including the Shelby County Reporter; and

WHEREAS, Mr. Sears, a hard-working man of vision who always had the best interest of the community in mind, restructured the high horse-and-buggy curbs and crumbling sidewalks on Main Street with lower curbs, and added handicap ramps, flowering trees in planters, and litter can receptacles; and

WHEREAS, through his active and energetic leadership, he was also instrumental in the development of the ball fields, playgrounds, picnic tables, walking trail, and scout hut at the 40-acre park, to mention a few; and

WHEREAS, many recalled the valuable service Mr. Sears provided to Blacks to devise a district voting system that assured black representation on the city council; and

WHEREAS, establishing the city's first zoning ordinance with rules and regulations for land use and subdivisions, Mr. Sears, in addition to his many professional responsibilities, served as Chairman of the Shelby County Mayors Association, was a member of both the Montevallo Rotary Club and Chamber of Commerce, as well as the Shelby Youth Service Board; and

WHEREAS, Ralph Sears is survived by his loving wife, Marcia, and three children, Steve, Sally and Randie; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the life and service of Ralph Sears, and extend deepest sympathy to his wife, and other family members, for whom a copy of this resolution shall be provided that they may know of our shared sorrow in their great and inconsolable loss.

On motion of Representative Carter, the resolution, H.J.R. 134, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 135. COMMENDING THE DEMOPOLIS CITY BOARD OF EDUCATION.

WHEREAS, the Demopolis City Board of Education recognizes the importance of public education in our community; and

WHEREAS, the Alabama Legislature appreciates the vital role played by those individuals who, as local school board members, establish policies to ensure an efficient, effective school system; and

WHEREAS, the Demopolis City Board of Education enables our community to preserve local management and control of our public schools by parents, taxpayers, and laypersons; and

WHEREAS, school board members are charged with representing our local educational interests to state and federal governments, and ensuring compliance with state and federal law; and

WHEREAS, school board members selflessly devote their knowledge, time, and talents as advocates for our school children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize and commend the Demopolis City Board of Education members by proclaiming January 1996 as School Board Member Recognition Month in our community.

BE IT FURTHER RESOLVED, That for demonstrating extraordinary community service, and for years of exemplary work performance, we do hereby direct the board receive a copy of this resolution with highest praise and honor.

On motion of Representative Carter, the resolution, H.J.R. 135, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 136. COMMENDING THE LINDEN CITY BOARD OF EDUCATION.

WHEREAS, the Linden City Board of Education recognizes the importance of public education in our community; and

WHEREAS, the Alabama Legislature appreciates the vital role played by those individuals who, as local school board members, establish policies to ensure an efficient, effective school system; and

WHEREAS, the Linden City Board of Education enables our community to preserve local management and control of our public schools by parents, taxpayers, and laypersons; and

WHEREAS, school board members are charged with representing our local educational interests to state and federal governments, and ensuring compliance with state and federal law; and

WHEREAS, school board members selflessly devote their knowledge, time, and talents as advocates for our school children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize and commend the Linden City Board of Education members by proclaiming January 1996 as School Board Member Recognition Month in our community.

BE IT FURTHER RESOLVED, That for demonstrating extraordinary community service, and for years of exemplary work performance, we do hereby direct the board receive a copy of this resolution with highest praise and honor.

On motion of Representative Carter, the resolution, H.J.R. 136, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 137. COMMENDING THE MARENGO COUNTY BOARD OF EDUCATION.

WHEREAS, the Marengo County Board of Education recognizes the importance of public education in our community; and

WHEREAS, the Alabama Legislature appreciates the vital role played by those individuals who, as local school board members, establish policies to ensure an efficient, effective school system; and

WHEREAS, the Marengo County Board of Education enables our community to preserve local management and control of our public schools by parents, taxpayers, and laypersons; and

WHEREAS, school board members are charged with representing our local educational interests to state and federal governments, and ensuring compliance with state and federal law; and

WHEREAS, school board members selflessly devote their knowledge, time, and talents as advocates for our school children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize and commend the Marengo County Board of Education members by proclaiming January 1996 as School Board Member Recognition Month in our community.

BE IT FURTHER RESOLVED, That for demonstrating extraordinary community service, and for years of exemplary work performance, we do hereby direct the board receive a copy of this resolution with highest praise and honor.

On motion of Representative Carter, the resolution, H.J.R. 137, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 138. COMMENDING THE CONECUH COUNTY BOARD OF EDUCATION.

WHEREAS, the Conecuh County Board of Education recognizes the importance of public education in our community; and

WHEREAS, the Alabama Legislature appreciates the vital role played by those individuals who, as local school board members, establish policies to ensure an efficient, effective school system; and

WHEREAS, the Conecuh County Board of Education enables our community to preserve local management and control of our public schools by parents, taxpayers, and laypersons; and

WHEREAS, school board members are charged with representing our local educational interests to state and federal governments, and ensuring compliance with state and federal law; and

WHEREAS, school board members selflessly devote their knowledge, time, and talents as advocates for our school children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize and commend the Conecuh County Board of Education members by proclaiming January 1996 as School Board Member Recognition Month in our community.

BE IT FURTHER RESOLVED, That for demonstrating extraordinary community service, and for years of exemplary work performance, we do hereby direct the board receive a copy of this resolution with highest praise and honor.

On motion of Representative Carter, the resolution, H.J.R. 138, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 139. COMMENDING THE THOMASVILLE CITY BOARD OF EDUCATION.

WHEREAS, the Thomasville City Board of Education recognizes the importance of public education in our community; and

WHEREAS, the Alabama Legislature appreciates the vital role played by those individuals who, as local school board members, establish policies to ensure an efficient, effective school system; and

WHEREAS, the Thomasville City Board of Education enables our community to preserve local management and control of our public schools by parents, taxpayers, and laypersons; and

WHEREAS, school board members are charged with representing our local educational interests to state and federal governments, and ensuring compliance with state and federal law; and

WHEREAS, school board members selflessly devote their knowledge, time, and talents as advocates for our school children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize and commend the Thomasville City Board of Education members by proclaiming January 1996 as School Board Member Recognition Month in our community.

BE IT FURTHER RESOLVED, That for demonstrating extraordinary community service, and for years of exemplary work performance, we do hereby direct the board receive a copy of this resolution with highest praise and honor.

On motion of Representative Carter, the resolution, H.J.R. 139, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 140. COMMENDING THE CLARKE COUNTY BOARD OF EDUCATION.

WHEREAS, the Clarke County Board of Education recognizes the importance of public education in our community; and

WHEREAS, the Alabama Legislature appreciates the vital role played by those individuals who, as local school board members, establish policies to ensure an efficient, effective school system; and

WHEREAS, the Clarke County Board of Education enables our community to preserve local management and control of our public schools by parents, taxpayers, and laypersons; and

WHEREAS, school board members are charged with representing our local educational interests to state and federal governments, and ensuring compliance with state and federal law; and

WHEREAS, school board members selflessly devote their knowledge, time, and talents as advocates for our school children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize and commend the Clarke County Board of Education members by proclaiming January 1996 as School Board Member Recognition Month in our community.

BE IT FURTHER RESOLVED, That for demonstrating extraordinary community service, and for years of exemplary work performance, we do hereby direct the board receive a copy of this resolution with highest praise and honor.

On motion of Representative Carter, the resolution, H.J.R. 140, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 141. COMMENDING THE CHOCTAW COUNTY BOARD OF EDUCATION.

WHEREAS, the Choctaw County Board of Education recognizes the importance of public education in our community; and

WHEREAS, the Alabama Legislature appreciates the vital role played by those individuals who, as local school board members, establish policies to ensure an efficient, effective school system; and

WHEREAS, the Choctaw County Board of Education enables our community to preserve local management and control of our public schools by parents, taxpayers, and laypersons; and

WHEREAS, school board members are charged with representing our local educational interests to state and federal governments, and ensuring compliance with state and federal law; and

WHEREAS, school board members selflessly devote their knowledge, time, and talents as advocates for our school children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize and commend the Choctaw County Board of Education members by proclaiming January 1996 as School Board Member Recognition Month in our community.

BE IT FURTHER RESOLVED, That for demonstrating extraordinary community service, and for years of exemplary work performance, we do hereby direct the board receive a copy of this resolution with highest praise and honor.

On motion of Representative Carter, the resolution, H.J.R. 141, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 142. CONGRATULATING MRS. RUTH E. LANING OF THOMASVILLE, ALABAMA, ON THE OCCASION OF HER 100TH BIRTHDAY.

WHEREAS, the Alabama Legislature is pleased to recognize Mrs. Ruth E. Laning, who was honored with a 100th birthday celebration on December 10, 1995, and upon this auspicious occasion is deserving of special recognition and heartiest congratulations of the people of the state; and

WHEREAS, Mrs. Laning was born on December 11, 1895, in Conneaut, Ohio, to George and Clara Bixler, and was one of five daughters; married in 1927 to Roy Laning, they had two daughters, and eventually settled in Birmingham, Michigan, where they lived for 30 years; and

WHEREAS, her wealth of knowledge and experience in her 100 years include two World Wars, as well as Korea, Viet Nam and Saudi Arabia; the advent of automobiles, electricity and plumbing in homes, and commercial airplanes; and, Mrs. Laning has observed 18 presidents being in office; and

WHEREAS, it is a well-known fact that some people improve with age and, Mrs. Laning, at age 100, ranks high among those who still lead a full life, and maintain a good sense of humor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in most heartily congratulating Mrs. Ruth E. Laning on her 100 birthday, and do further direct that she receive a copy of this resolution of sincere personal regard.

On motion of Representative Carter, the resolution, H.J.R. 142, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 143. MOURNING THE DEATH OF JIM DUTTON OF JEMISON, ALABAMA.

WHEREAS, it is with deepest sadness and regret that the Legislature of Alabama records the tragic and untimely death of Jim Dutton of Jemison, Alabama, on January 26, 1996, at the early age of only 20 years; and

WHEREAS, Jim Dutton, who drowned in a fated automobile accident, was a fine young man and an exceptional athlete whose future was bright with the promise of success, and his death has left an unfathomable void in the life of his community; and

WHEREAS, young Jim, who began playing competitive tennis when he was in the sixth grade, was skilled and determined, and a student of the game; as a student at Jamison High School, he became a founding member of the Jamison High School tennis team, was the number one player in 1991 and 1992, and had six state championships to his credit by the time he graduated; he later played at two junior colleges and, in a continuation of achievement, was voted the Most Valuable Player at Central Alabama Community College in Alexander City in his last year of eligibility; and

WHEREAS, in tribute to his memory, the Town of Jamison will place a plaque at the Jamison Tennis Courts, and the Jamison tennis team is dedicating the forthcoming season in his honor; and

WHEREAS, the sudden passing of Jim Dutton is indeed a severe blow to the Jamison community, and to his beloved family, and many, many friends, who are sorely bereft in their great and grievous loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Jim Dutton of Jamison, Alabama, and extend our most heartfelt sympathy to his loving family, whose sorrow we sincerely share, and for whom a copy of this resolution shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 143, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 149. MOURNING THE DEATH OF GEANETT WALLACE MORGAN OF PIEDMONT, ALABAMA.

WHEREAS, a source of deep sorrow to the Legislature of Alabama is the lamentable death of Geanett Morgan, a native of Cherokee County, and resident of Piedmont, Alabama, on January 30, 1996; and

WHEREAS, a 1948 graduate of Piedmont High School, member and faithful Bible school teacher of Piedmont Church of Christ, Mrs. Morgan was recognized throughout the community as a woman who had a sympathetic ear and genuine concern for her family and friends; and

WHEREAS, Mrs. Morgan was in the grocery business for eight years before joining her husband in the Huddle House business in 1975, and was an inspiration to their many customers; and

WHEREAS, Geanett Wallace Morgan is survived by her faithful and devoted husband, L. T. Morgan, and four daughters, six grandchildren, and one great grandchild; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby deeply regret the death of Mrs. Morgan, and extend heartfelt sympathy to her bereaved family and friends, for whom a copy of this resolution of sincere condolence shall be provided.

SUBSTITUTE OFFERED

Representative Willis offered the following substitute to the resolution, H.J.R. 149:

MOURNING THE DEATH OF GEANETT WALLACE MORGAN OF PIEDMONT, ALABAMA.

WHEREAS, a source of deep sorrow to the Legislature of Alabama is the lamentable death of Geanett Morgan, a native of Cherokee County, and resident of Piedmont, Alabama, on January 30, 1996; and

WHEREAS, a 1948 graduate of Piedmont High School, member and faithful Bible school teacher of Piedmont Church of Christ, Mrs. Morgan was recognized throughout the community as a woman who had a sympathetic ear and genuine concern for her family and friends; and

WHEREAS, Mrs. Morgan joined her husband in operating the Huddle House business in 1975, and was an inspiration to their many customers; and

WHEREAS, Geanett Wallace Morgan is survived by her faithful and devoted husband, L.T. Morgan, and four daughters, six grandchildren, and one great grandchild; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby deeply regret the death of Mrs. Morgan, and extend heartfelt sympathy to her bereaved family and friends, for whom a copy of this resolution of sincere condolence shall be provided.

SUBSTITUTE ADOPTED

And the substitute was adopted.

On motion of Representative Carter, the resolution:

H.J.R. 149. MOURNING THE DEATH OF GEANETT WALLACE MORGAN OF PIEDMONT, ALABAMA.

as amended, was adopted and ordered engrossed.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 150. COMMENDING L.T. AND GEANETT MORGAN UPON THEIR INDUCTION INTO THE 1996 "HUDDLE HOUSE HALL OF FAME."

WHEREAS, it is with sincere pleasure that the Alabama Legislature notes the selection of L.T. and Geanett Morgan upon their induction into the coveted 1996 "Huddle House Hall of Fame"; and

WHEREAS, the "Huddle House Hall of Fame" recognizes people within the organization who have shown dedication, commitment to excellence as business persons and, by example and involvement, who have made a substantial impact on the growth of the Huddle House concept; and

WHEREAS, L.T. and Geanett opened their first restaurant in Piedmont, Alabama, on May 19, 1975, and have won numerous awards for best operators, strongest sales increases, and best customer service in the restaurant industry, and have made a lasting impression on those individuals with whom they have been associated; and

WHEREAS, L.T. and Geanett have succeeded in compiling an impressive record of career achievements with Huddle House Restaurants and, upon retirement, will turn the Piedmont business over to their daughter and son-in-law, Marsha and Brent Morrison; and

WHEREAS, after 20 years in the restaurant business, L.T. and Geanett Morgan produced three generations of Huddle House operators, including four daughters who, with their spouses, operate nine other Huddle House Restaurants; and

WHEREAS, it is also with deep sadness and regret that we have been informed of the untimely death of Geanett Morgan on January 30, 1996, and express our deepest sympathy to family and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend L.T. and Geanett Morgan upon their outstanding achievements, and congratulate them as recipients of the 1996 "Huddle House Hall of Fame."

BE IT FURTHER RESOLVED, That a copy of this resolution shall be presented to L.T. Morgan with sincere best wishes and highest praise.

SUBSTITUTE OFFERED

Representative Willis offered the following substitute to the resolution, H.J.R. 150:

COMMENDING L.T. AND GEANETT MORGAN UPON THEIR INDUCTION INTO THE "HUDDLE HOUSE HALL OF FAME."

WHEREAS, it is with sincere pleasure that the Alabama Legislature notes the selection of L.T. and Geanett Morgan upon their induction into the coveted "Huddle House Hall of Fame"; and

WHEREAS, the "Huddle House Hall of Fame" recognizes people within the organization who have shown dedication, commitment to excellence as business persons and, by example and involvement, who have made a substantial impact on the growth of the Huddle House concept; and

WHEREAS, L.T. and Geanett opened their first restaurant in Piedmont, Alabama, on May 19, 1975, and have won numerous awards for best operators, strongest sales increases, and best customer service in the restaurant industry, and have made a lasting impression on those individuals with whom they have been associated; and

WHEREAS, L.T. and Geanett have succeeded in compiling an impressive record of career achievements with Huddle House Restaurants and, upon retirement, have turned the Piedmont business over to their daughter and son-in-law, Marsha and Brent Morrison; and

WHEREAS, after 20 years in the restaurant business, L.T. and Geanett Morgan produced three generations of Huddle House operators, including four daughters, three of whom with their spouses, operate nine other Huddle House Restaurants; and

WHEREAS, it is also with deep sadness and regret that we have been informed of the untimely death of Geanett Morgan on January 30, 1996, and express our deepest sympathy to family and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend L.T. and Geanett Morgan upon their outstanding achievements, and congratulate them as recipients of the 1995 "Huddle House Hall Of Fame."

BE IT FURTHER RESOLVED, That a copy of this resolution shall be presented to L.T. Morgan with sincere best wishes and highest praise.

SUBSTITUTE ADOPTED

And the substitute was adopted.

On motion of Representative Carter, the resolution:

H.J.R. 150. COMMENDING L.T. AND GEANETT MORGAN UPON THEIR INDUCTION INTO THE "HUDDLE HOUSE HALL OF FAME."

as amended, was adopted and ordered engrossed.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 12. To amend Section 41-23-30, Code of Alabama 1975; to provide additional tax exemptions for certain eligible businesses under the Alabama Enterprise Zone Act.

TOMMY CARTER
Chairman

And the bill, H. 12, as engrossed, was ordered sent to the Senate.

BILLS ON SECOND READING

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 358. To amend Sections 39-1-1, 39-1-2, 39-1-3, 39-2-1, 39-2-2, 39-2-3, 39-2-4, 39-2-5, 39-2-6, 39-2-8, 39-2-9, 39-2-10, 39-2-11, 39-2-12, 39-2-13, 39-3-1, 39-3-4, 39-5-1, 39-5-2, 39-5-3, 39-5-4, 39-5-5, 39-5-6, 41-16-20, and 41-16-50 of the Code of Alabama 1975, relating to the competitive bid laws; to incorporate and make uniform all of the competitive bid laws for public works contracts for the state and its political subdivisions; to exempt public works contracts from certain competitive bid provisions that govern all other public contracts for the state and its political subdivisions; to provide standards for awarding authorities to prequalify contractors; to provide for enforcement of the competitive bid laws for public works contracts; to provide for definitions; to increase the criminal fines; and to specifically repeal Sections 39-3-2, 39-3-3, 41-16-1, 41-16-80, 41-16-81, and 41-16-82 of the Code of Alabama 1975, relating to contractors engaged in construction of public buildings or improvements, the penalties, withdrawals by the contractor of the amounts retained from payments due the contractor pursuant to the contract, the procurement of surety bonds or insurance contracts, the execution of surety bonds or insurance contracts, and conflicts in invitations for bids and contract documents.

Representative Reed, Chairperson of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 268. (With Amendment): To amend Section 32-1-4 of the Code of Alabama 1975, relating to appearance upon arrest of a person for a traffic violation for a misdemeanor, Section 32-5A-115 of the Code of Alabama 1975, relating to the operation of emergency vehicles, and Section 32-5A-193 of the Code of Alabama 1975, relating to fleeing or attempting to elude a law enforcement officer; to provide that a person arrested for failure to stop, fleeing, or attempting to elude a law enforcement officer shall upon arrest be taken to the nearest or most accessible magistrate; to specify the conditions under which a pursuing law enforcement officer may be found to have contributed to the causation of damages, injury, or death caused by a fleeing suspect; to change certain penalty provisions applicable to the offense of fleeing or attempting to elude a law enforcement officer; to provide for the mandatory nature of certain penalty provisions; and create a new crime of attempting to elude or flee a law enforcement officer under specified aggravated circumstances a crime and provide penalties therefor.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 55. Relating to municipalities; to amend Section 11-51-91, Code of Alabama 1975, which relates to license taxes in the police jurisdiction of a municipality, to provide that any calculation as to the cost of providing services in the police jurisdiction shall not be required to be made based upon the incremental cost accounting method or any similar method which excludes therefrom the fixed

or capital cost or expenditures of the municipality to provide services in the police jurisdiction and to provide that it shall be sufficient calculation that the municipality make a reasonable estimate of the cost of providing the services within the police jurisdiction, including any fixed or capital cost it deems reasonable; to provide that a municipal governing body may cease to levy and collect license taxes and sales and use taxes within its respective police jurisdiction and, at the same time, cease providing services in the police jurisdiction financed in whole or in part thereby and to establish a procedure for the implementation thereof; to provide for the return of excess taxes collected from the police jurisdiction; to provide immunity from any liability or damages arising out of or in any way associated with the decision to terminate police jurisdiction services and taxation in the police jurisdiction; to provide that no city or town shall be required or compelled through injunctive, declaratory, or any other form of equitable or mandatory relief by any court of competent jurisdiction of this state to continue to provide any services within its respective police jurisdiction; to provide that this act shall not prohibit any city or town from providing services in its police jurisdiction or elsewhere as it is otherwise authorized to do by state law; and to validate ordinances previously adopted and implemented whose purpose was to terminate services within the police jurisdiction and to terminate the levy and collection of license taxes and sales and use taxes within the police jurisdiction.

H. 65. To amend Section 17-9-5, Code of Alabama 1975, relating to voting machines, to authorize a county or city governing body to discontinue the use of voting machines by resolution and to validate certain actions taken by county commissions and municipalities; and to further provide for the payments for the sale or rental of voting machines or equipment to the governmental entity owning the machines.

H. 132. To amend Sections 1 and 2 of Act No. 95-771, 1995 Regular Session now appearing as Sections 36-34-1 and 36-34-2, Code of Alabama 1975; and to provide further for the payment of the cost of health insurance for certain persons receiving benefits under the Employees' Retirement System.

H. 146. To amend Section 11-52-31, Code of Alabama 1975, relating to the adoption, publication, and certification of subdivision regulations by planning commissions; provisions therein as to arrangement, etc., of streets, etc.; provisions as to completion of streets, mains, etc.; and approval of subdivision plat.

Representative Ford, Chairperson of the Standing Committee on Tourism, Entertainment and Sports, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1. (With Amendment): To authorize the operator of the greyhound racetrack licensed by the Macon County Racing Commission to transmit televised racing events to other racetracks in the State of Alabama and to locations outside

the state for pari-mutuel wagering thereon and to create and administer pari-mutuel pools that include bettors at locations receiving the televised racing events; to authorize the operator of the racetrack licensed by the Macon County Racing Commission to receive televised racing events from racetracks in the state and outside the state for pari-mutuel wagering thereon, to conduct pari-mutuel wagering on such racing events, and to participate in pari-mutuel pools that include bettors on such racing events at other locations; to facilitate pari-mutuel wagering on both live and televised racing events by prescribing new schedule of takeouts from pari-mutuel pools that are permitted to be withdrawn by the operator of the greyhound racetrack licensed by the Macon County Racing Commission; to provide for changing the hours of operation for the racetrack licensed by the Macon County Racing Commission; and to amend Act No. 83-575 to modify the compensation and expense allowances of members of the Macon County Racing Commission.

Representative Ford, Chairperson of the Standing Committee on Tourism, Entertainment and Sports, reported that said Committee in session had acted on the following bill and ordered same Returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 210. To amend Act No. 376 of the 1975 Legislature relating to the Greene County Racetrack and pari-mutuel wagering in Greene County to provide for televised racing events and pari-mutuel wagering on greyhound racing and horse racing; to provide for combined pari-mutuel pools and takeout for televised racing events; to levy state and local taxes on pari-mutuel wagering; to change the number of racing days; to change the hours for racing; and to repeal the admission fee.

Representative Ford, Chairperson of the Standing Committee on Tourism, Entertainment and Sports, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 249. (With Substitute): To provide for the operation and use of coin-operated games or devices designed and manufactured for bona fide amusement purposes and provide penalties for violations.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 275. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901; to grant certain powers and authority to Walker County and each municipality situated wholly therein relating to the acquisition, leasing, sale, and development of industrial sites and industrial park projects; and to specify that actions authorized by this amendment taken subsequent to January 1, 1996, are ratified.

The above bill was read a second time at length as required by the Constitution.

H. 361. Relating to Randolph County; proposing an amendment to the Constitution of Alabama of 1901; to validate certain laws regulating court costs.

The above bill was read a second time at length as required by the Constitution.

H. 369. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Washington County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system and repealing Act No. 95-319, 1995 Regular Session.

The above bill was read a second time at length as required by the Constitution.

H. 445. To reenact an amendment to the Constitution of Alabama of 1901, proposed by Act No. 95-224, to provide for the election of the Franklin County Superintendent of Education by the qualified electors residing in the Franklin County School system; and to ratify, validate, and confirm any actions taken pursuant to the amendment proposed by Act No. 95-224.

The above bill was read a second time at length as required by the Constitution.

Representatives Petelos and Minnifield, Co-Chairpersons of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 193. To propose an amendment to the Constitution of Alabama of 1901, to provide that the Legislature, by local act, may provide for the election of the members of the board of education in the City of Bessemer in Jefferson County and may provide further for the operation of the board.

The above bill was read a second time at length as required by the Constitution.

Representatives Petelos and Minnifield, Co-Chairpersons of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and pursuant to House Rule 35 was referred to the Standing Committee on Tourism, Entertainment and Sports:

H. 257. To permit the operator of a racetrack in a Class 1 municipality, notwithstanding certain provisions of Section 11-65-32 of the Code of Alabama 1975, to transmit to, or receive from, other racetracks located in Alabama televised horse or greyhound racing events, to conduct pari-mutuel wagering on such televised racing events, and to participate in pari-mutuel pools that include bettors at other racetracks in Alabama that are transmitting or receiving such televised racing events; and to enable the operator of a racetrack in a Class 1 municipality to adjust takeouts in order to participate in combined pari-mutuel pools with other racetracks.

Representative Parker (T), Chairperson of the Standing Committee on Local Legislation No. 6, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 438. Relating to Tuscaloosa County; amending Act No. 328, H. 854, 1959 Regular Session, as amended, which provides for the Firemen's and Policemen's Pension and Relief Fund for the City of Tuscaloosa, to provide further for the depositories into which funds may be placed.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 385. (With Amendments): To amend Section 32-5A-191 and Section 32-5A-194 of the Code of Alabama 1975, as amended by Act No. 95-784 S. 338, 1995 Regular Session (Acts 1995, p. 1862), relating to driving under the influence of alcohol and drugs; to prohibit the operation of a motor vehicle by a school bus or day care driver while in performance of their duties with .02 percent or more by weight of alcohol in his or her blood; and to provide penalties.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 380. (With Amendment): To amend Section 32-5A-191 and Section 32-5A-194 of the Code of Alabama 1975, as amended by Act No. 95-784, S. 338, 1995 Regular Session (Acts 1995, p. 1862), relating to driving under the influence of alcohol and drugs; to prohibit the operation of a motor vehicle by a person under the age of 21 years who has .02 percent or more by weight of alcohol in his or her blood.

H. 381. (With Amendment): To amend Section 32-6-49.13, Code of Alabama 1975, to require that a chemical test be administered if a law enforcement officer has probable cause to believe that a commercial vehicle driver is operating a commercial motor vehicle while having alcohol or drugs in his or her system.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representatives Jackson, Vance, Hayden, Hall (A), Baker, and Moore:

H. 451. Providing for distinctive motor vehicle license tags or plates for members of the Kiwanis International; prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Dukes:

H. 452. To amend Section 5-19-4 of the Code of Alabama 1975, to provide further for late charges on certain scheduled payments which are in default.

COMMITTEE ON BANKING

By Representatives Page, Dolbare, Morrow, Johnson (R), Carothers, Hill, Gipson, Hogan, Baker, Maull, Houston, Hinshaw, Galliher, Ford, Smith, Morrison, and Graham:

H. 453. To amend Section 16-1-18.1, Code of Alabama 1975, relating to sick leave accumulation for certain public education employees so as to establish further provisions relating to sick leave; to establish that an employee shall earn one sick leave day per month of contractual employment; to establish definitions; to establish on-the-job injury regulations; to provide for policies by certain education institutions; to repeal Section 16-1-18, Code of Alabama 1975, relating to sick leave for support personnel and to incorporate such provisions into this act; to amend Sections 16-12-21 and 16-8-25, Code of Alabama 1975, relating to vacations and leaves of absences so as to repeal those provisions relating to sick leave and incorporate the provisions into Section 16-1-18.1, Code of Alabama 1975; and to establish an effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Johnson (R):

H. 454. To amend Section 22-28-22, Code of Alabama 1975, relating to the Alabama Air Pollution Control Act, to prescribe fines for certain violations of the act.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representatives Papucci, Hall (A), Jorgensen, and Hinshaw:

H. 455. To make the discharge or activation of certain deadly weapons or firearms by contrived device or means unlawful; to provide for felony penalties; and to provide for enhanced felony penalties under certain conditions.

COMMITTEE ON JUDICIARY

By Representatives Petelos and Sanderson (With Notice and Proof):

H. 456. Relating to Jefferson County, to provide that on and after the effective date of this act, the Jefferson County Tax Assessor and the Jefferson County Tax Collector, shall be entitled to have either an automobile with fuel, oil, and repairs furnished by Jefferson County for use in carrying out his or her official duties, or a certain automobile expense allowance as reimbursement for the use by the official of a personal vehicle and fuel, oil, and repairs for such official duties; and to repeal Act No. 95-735, 1995 Regular Session.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 456, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Townsend (With Notice and Proof):

H. 457. Relating to Jefferson County; to amend Act No. 497, H. 1057, 1965 Regular Session, as amended; relating to a pension system for officers and employees of the County so as to provide for the termination of a factor of the benefit formula rate and to authorize the Pension Board to establish rules and regulations for such termination.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 457, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Curry, Gaines, and Rogers (M):

H. 458. To provide for the procedure for voting by absentee ballot; to prohibit the counting of absentee ballots that are unwitnessed and unnotarized; to require individual voters to present certain identification at the polls as a

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prerequisite to voting; to provide for an early voting period for certain individuals; to provide for election officials at polling places; to establish uniform polling hours; to provide penalties; and to amend Sections 17-10-3, 17-10-5, 17-10-7, and 17-10-10, Code of Alabama 1975.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Gaines:

H. 459. Providing for distinctive motor vehicle license tags or plates for supporters of the Alabama Heart Association; prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Robinson:

H. 460. To amend Sections 8-8-15, 12-17-224, 13A-9-13.1, and 13A-9-13.2, Code of Alabama 1975, relating to the service charge for worthless checks and worthless negotiable instruments.

COMMITTEE ON BANKING

By Representatives Gaines and Petelos:

H. 461. Relating the District Attorney's Office, Tenth Judicial Circuit, Jefferson County Birmingham Division; to provide for the appointment, duties, and compensation of deputy district attorneys; and to repeal the following acts: Act No. 523, H. 121, 1975 Regular Session (Acts 1975, p. 1174); Act No. 720, H. 1038, 1987 Regular Session (Acts 1987, p. 1410); Act No. 90-542, H. 637, 1990 Regular Session (Acts 1990, p. 842); and Act No. 93-567, H. 372, 1993 Regular Session (Acts 1993, p. 946); all relating to the office and compensation of the deputy district attorneys in the Tenth Judicial Circuit are specifically repealed.

COMMITTEE ON WAYS AND MEANS

By Representative Rogers (M):

H. 462. To amend Section 44-1-51, Code of Alabama 1975, to provide further for the per diem of members of the Youth Services Board.

COMMITTEE ON WAYS AND MEANS

By Representative Knight (J):

H. 463. To amend Section 41-16-3, Code of Alabama 1975, relating to public contracts, to provide for the timely payment by a contracting party to subcontractors.

COMMITTEE ON STATE ADMINISTRATION

By Representative Carter (With Notice and Proof):

H. 464. Relating to Limestone County; abolishing the office of constable.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 464, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Knight (A):

H. 465. Relating to juvenile law enforcement; to amend Code of Alabama 1975: Section 12-15-100, to provide that juvenile court records may be copied by persons authorized to inspect them, by the principal of the school in which a child is enrolled, or a representative of the principal; Section 12-15-101, to provide that juvenile law enforcement records may be inspected by the principal of the school in which a child is enrolled, a representative of the principal, and the victim, or a representative of the victim, and to require the reporting of a child who has been adjudicated a serious juvenile offender or delinquent for conduct constituting a Class A or B felony if committed by an adult to the Alabama Criminal Justice Information Center; Section 12-15-102 to provide that law enforcement agencies, without prior permission, may obtain fingerprints, photographs, or DNA samples from a child alleged to be delinquent; Section 41-9-622, to provide that information concerning serious juvenile offenders may be used as information concerning adults is used; and Section 41-9-623, to provide that information concerning serious juvenile offenders must be provided to the Alabama Criminal Justice Information Center by law enforcement agencies.

COMMITTEE ON JUDICIARY

By Representative Hill:

H. 466. To amend Section 5-18-15 of the Code of Alabama 1975, to provide for default or extension charges which may be charged and collected in connection with small loans pursuant to the Alabama Small Loan Act.

COMMITTEE ON BANKING

By Representative Hill:

H. 467. To exempt the Alabama Youth Home in Mountain Brook, Alabama from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

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By Representatives Hall (A), Hinshaw, and Morrison:

H. 468. To amend Section 1 of Act No. 95-212 of the 1995 Regular Session, now appearing as Section 34-37-5 of the Code of Alabama 1975, to provide further for the disposition of certain funds of the Alabama Plumbers and Gas Fitters Examining Board.

COMMITTEE ON WAYS AND MEANS

By Representatives Hall (A), Hinshaw, Sanderford, Papucci, Hall (L), Jorgensen, and Haney:

H. 469. Proposing an amendment to Amendment 334 of the Constitution of Alabama of 1901, relating to the Madison County Judicial Commission; specifying the membership, powers, and method of operation of the commission.

COMMITTEE ON LOCAL LEGISLATION NO. 4

The above bill was read a first time at length as required by the Constitution.

By Representatives McMillan, Penry, Clark (J), Hammett, Hawkins, Gaines, Sanderson, Papucci, Haney, Curry, Morton, Rogers (J), Starkey, and Hooper:

H. 470. To provide for the establishment of the Alabama Public Education Equipment Loan Authority; to permit the authority to issue bonds for the purpose of making equipment loans to educational institutions to finance equipment costs; and to require each educational institution that receives an equipment loan to maintain a dedicated source of revenue to repay such equipment loans.

COMMITTEE ON WAYS AND MEANS

By Representative McMillan:

H. 471. To repeal Section 40-2-24 of the Code of Alabama 1975, which requires Department of Revenue Division Chiefs to receive salaries of Attorney III supervisor.

COMMITTEE ON WAYS AND MEANS

By Representatives Dolbare, Black (L), Millican, Turner, Robinson, Smith, Gipson, Clark (W), Crigler, Buskey, Laird, Knight (J), McClammy, Seibenhener, Baker, Kennedy, Jackson, Hogan, Carothers, Reed, Hamilton, Layson, Collins, Clouse, Boyd, Bandy, Mitchell, Johnson (E), Hilliard, Spratt, Hayden, Vance, Page, Hall (L), Galliher, Rogers (M), Hill, Thomas (D), Allen, Rogers (J), McAdory, Houston, Parker (T), Hooper, and Dean:

H. 472. Relating to public education employees; to permit the unused accumulated sick leave days to be transferred to the estate of the deceased public education employee.

COMMITTEE ON WAYS AND MEANS

By Representative Maull:

H. 473. To provide for the purchase of credit under the Employees' Retirement System of Alabama by active and contributing members of the system for employment as a temporary state employee, to further provide a method of payment where the member pays the total cost of the credit, and to provide for termination.

COMMITTEE ON WAYS AND MEANS

By Representative Papucci:

H. 474. To amend Section 13A-12-211 of the Code of Alabama 1975, to provide that dispensing, prescribing, or administering a controlled substance for other than legitimate and professionally recognized therapeutic or scientific purposes constitutes unlawful distribution of a controlled substance; to provide for felony penalties and for an effective date.

COMMITTEE ON JUDICIARY

By Representative Gaines:

H. 475. To amend Section 16-22-1 of the Code of Alabama 1975 granting certain persons employed by certain institutions and colleges police powers; to further provide for police powers for police officers employed by Samford University or Birmingham-Southern College.

COMMITTEE ON JUDICIARY

By Representative Newton (C):

H. 476. To amend Sections 34-27-6, 34-27-32, 34-27-34, 34-27-35, and 34-27-35.1, Code of Alabama 1975, relating to the Alabama Real Estate Commission, to provide further for the authority of the commission regarding real estate courses; to provide further for reciprocal licensing and proof of minimum instructional hours for licensure as a real estate broker or salesperson and to delete unconstitutional language that requires an applicant for a company or broker license to maintain a place of business within the state; to provide a \$25 fee for certain license changes; to provide inactive status for certain licensees, to provide a hardship postponement, to provide further for continuing education, and to remove the exempt status of licensees age 65 and older.

COMMITTEE ON STATE ADMINISTRATION

By Representative Rogers (M):

H. 477. To provide that in addition to any other penalties, a person convicted of unlawful distribution of a controlled substance while armed with a firearm shall be sentenced to five years incarceration in a state corrections facility with no provision for probation.

COMMITTEE ON JUDICIARY

By Representative Papucci:

H. 478. To amend Section 13A-6-2 of the Code of Alabama 1975, relating to murder, to provide that a person commits murder when in the course of committing certain felony offenses the person or another person causes the death of a nonparticipant of the crime.

COMMITTEE ON JUDICIARY

By Representative Baker (With Notice and Proof):

H. 479. Relating to Henry County; relating to the compensation and expense allowance for the sheriff of Henry County; so as to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office of sheriff.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 479, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Baker (With Notice and Proof):

H. 480. Relating to Henry County; providing further for the assessment and collection of ad valorem taxes on motor vehicles; transferring certain duties and responsibilities of the revenue commissioner or tax assessor and tax collector to the judge of probate; requiring an additional bond of the judge of probate; providing for the deposit of fees and commissions in the general fund of the county.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 480, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Laird:

H. 481. To amend Section 12-11-30, Code of Alabama 1975, as last amended by Act No. 95-606 of the 1995 Regular Session, and Section 12-12-31, Code of Alabama 1975, to further provide for the dollar amount of the jurisdiction of the small claims docket of the district court.

COMMITTEE ON JUDICIARY

By Representatives Wren, Clark (J), McMillan, Fuller, Dean, Penry, Hawkins, Townsend, Carns, Haney, Lindsey, Laird, Hill, Rogers (M), Gaines, Thomas (D), Hinshaw, Papucci, Hooper, Gipson, Flowers, Hammett, Collins, Sanderson, Crigler, McDaniel, Baker, Clouse, Johnson (R), Millican, Sims, Guin, Hogan, Willis, McKee, Maull, Dolbare, Turner, Newton (C), and Gaston:

H. 482. Establishing the Community Notification Act; requiring the notification to law enforcement officers and certain residents of the state of the intended residence of a convicted sex offender; providing for the procedure and method of notification, and providing penalties for violations.

COMMITTEE ON JUDICIARY

By Representatives Wren, Clark (J), McMillan, Fuller, Dean, Penry, Hawkins, Townsend, Carns, Haney, Lindsey, Laird, Hill, Rogers (M), Gaines, Thomas (D), Hinshaw, Papucci, Hooper, Gipson, Flowers, Hammett, Collins, Sanderson, Crigler, McDaniel, Baker, Clouse, Johnson (R), Millican, Sims, Guin, Hogan, Willis, McKee, Maull, Dolbare, Turner, Newton (C), and Gaston:

H. 483. To establish the Child Protection Background Check Act; to require the Department of Education, the county and city boards of education, and designated state agencies to request criminal history background information on certain employees and applicants for employment or volunteer positions who will be allowed unsupervised access to a child; to permit nonpublic schools and other authorized prospective employers to request criminal history background information from the Department of Public Safety; to provide for bonded individuals with each qualified entity to receive the authorized information; to allow all authorized entities to receive periodic updated reports; to authorize the Department of Public Safety to train educational representatives in proper fingerprinting techniques; to authorize fees to cover the cost of requesting criminal history background information; to authorize the Department of Education, the State Board of Education, and the Department of Public Safety to develop and promulgate rules and regulations to implement this act; and to provide penalties for violations.

COMMITTEE ON JUDICIARY

By Representatives Wren, Clark (J), McMillan, Fuller, Dean, Penry, Hawkins, Townsend, Carns, Haney, Lindsey, Laird, Hill, Rogers (M), Gaines, Thomas (D), Hinshaw, Papucci, Hooper, Gipson, Flowers, Hammett, Collins, Sanderson, Crigler, McDaniel, Baker, Clouse, Johnson (R), Millican, Sims, Guin, Hogan, Willis, McKee, Maull, Dolbare, Turner, Newton (C), and Gaston:

H. 484. Establishing the Sex Offender Incarceration and Registration Act; providing for registration and annual re-registration of sex offenders; maintaining a roster of sex offenders by sheriffs and the Department of Public Safety; providing an unlimited statute of limitations for civil suits of victims; prohibiting fabrication of memories or evidence against an alleged sex offender; imposing mandatory sentences for persons convicted of sex crimes; prohibiting parole and other forms of early release; prohibiting the expunging of criminal records of sex offenders; imposing guidelines for interstate transfer of criminal records of sex offenders; prohibiting the use of telecommunication devices to portray sex acts to a minor to solicit a minor for sexual activity; amending Sections 13A-11-200, 13A-11-201, 13A-11-202, 15-3-5, 14-9-41, 15-18-4, 15-18-8, 15-19-1, 15-22-26, 15-22-27, 15-22-28, 15-22-36, and 15-22-50, Code of Alabama 1975; and imposing penalties.

COMMITTEE ON JUDICIARY

By Representatives Wren, Clark (J), McMillan, Fuller, Dean, Penry, Hawkins, Townsend, Carns, Haney, Lindsey, Laird, Hill, Rogers (M), Gaines, Petelos, Thomas (D), Hinshaw, Papucci, Hooper, Gipson, Flowers, Hammett, Collins, Sanderson, Crigler, Baker, Clouse, Johnson (R), Millican, Sims, Guin, Hogan, Willis, McKee, Maull, Dolbare, Turner, Newton (C), and Gaston:

H. 485. Establishing the Sex Crime Prevention Act; providing for: the revocation of professional licenses of persons convicted of sex crimes; banning of pornographic materials from municipal, county, and state jails and prisons; training of guidance counselors and teachers in recognizing child sexual abuse and sexual predators; the confidentiality of records of victims 18 years of age or younger when releasing information regarding perpetrators of sex crimes; the obtaining and accessing records of persons guilty of a sex crime; the notification to victims of compensation from Alabama Crime Victims Compensation Commission; the mandatory rehabilitation of first time juvenile offenders; the availability of sex crime information upon marriage or divorce; amending Sections 13A-5-2, 13A-6-65, 13A-6-66, 13A-6-67, 13A-6-68, 13A-12-111 to 13A-12-113, inclusive, 13A-12-130, 13A-12-131, 15-1-2, and 15-23-5, Code of Alabama 1975; and providing penalties.

COMMITTEE ON JUDICIARY

H. 443 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 443, from the Standing Committee on Ways and Means to the Standing Committee on Constitution and Elections.

H. 209 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 209, from the Standing Committee on Ways and Means to the Standing Committee on Constitution and Elections.

BILLS ON THIRD READING**BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER**

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 32, were temporarily carried over at the request of Representative Laird.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 230, were temporarily carried over at the request of Representative Lindsey.

H. 45 CONTESTED

Representative Pringle lodged a contest relating to the bill, H. 45.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Laird, the Budget Isolation Resolution relating to the bill, H. 32, which was previously temporarily carried over was adopted.

Yeas 43; Nays 0.

Yea:

Mr. Speaker, Allen, Boyd, Carothers, Clouse, Collins, Dolbare, Dukes, Gaines, Gipson, Graham, Guin, Hamilton, Haney, Hayden, Hill, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Laird, Layson, Maull, McKee, Moore, Newton (C), Papucci, Parker (P), Payne, Pringle, Reed, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Thomas (D), Turner, Vance, Warren and Willis.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 32. To propose an amendment to the Constitution of Alabama of 1901, relating to Clay County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments; providing for expenditure and accounting of the funds; providing for the tax to self-destruct upon dissolution of the Clay County Volunteer Fire Department Association; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

was taken up.

AMENDMENT OFFERED

Representative Laird offered the following amendment to the bill, H. 32:

On page 2, line 21, between the words "cities" and "and" add the following: and any rescue squads serving those cities,

Also, on page 2, after line 24 add the following: The rescue squads shall also receive the same percentage of the proceeds distributed proportionately to Ashland and Lineville which the rescue squads receive from the county portion of the proceeds.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 50; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Gaines, Gaston, Graham, Guin, Hamilton, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Knight (A), Laird, Layson, Lindsey, Maull, McClammy, Millican, Moore, Morton, Newton (C), Parker (P), Payne, Pringle, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren and Willis.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 32. To propose an amendment to the Constitution of Alabama of 1901, relating to Clay County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments; providing for expenditure and accounting of the funds; providing for the tax to self-destruct upon dissolution of the Clay County Volunteer Fire Department Association; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Baker, Black (M), Box, Boyd, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Mauli, McAdory, McClammy, McKee, Millican, Moore, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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RECESS

On motion of Representative Hammett, the House recessed for the purpose of hearing an address by Jennifer Chandler Jones.

JOINT SESSION

The hour of 10:30 o'clock a.m. having arrived and pursuant to the resolution, H.J.R. '92, the Senate and the House of Representatives of the Legislature of Alabama met in Joint Session in the Hall of the House of Representatives for the purpose of hearing an address by Jennifer Chandler Jones, Olympic Gold Medalist.

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The Joint Session was called to order by Honorable Don Siegelman, Lieutenant Governor and Presiding Officer of the Senate.

Ms. Jones was escorted to the Chair and was introduced by Representative Burke. Thereupon Ms. Jones delivered her address to the Legislature of Alabama.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the Joint Session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 151. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the fourth legislative day, Thursday, February, 22, 1996, taking precedence over the regular order of business or any pending or unfinished business. Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id	Page
H. 182 - By Venable	7
Superintendent of Ed., Co., to take office on January 1 following election, Sec. 16-9-8 am'd.	
H. 234 - By Hammett	25
Air rescue organizations declared to be public in nature, Sec. 9-3-18 am'd.	
H. 33 - By Laird	1
State Board of Ed., supp. approp. to be distrib. to cert. local bds. of ed. for capital outlay, concerning repair of fire or storm damaged schools, Act 95-762 repealed	

H. 201 - By Johnson (R) (As Substituted)	29
Pharmacy technicians, registration and regulation of, definitions	
H. 83 - By McKee (As Amended)	26
Alcoholic Beverage Control Bd., Cost of Evidence Fund, incr., Sec. 28-3-55 am'd.	
H. 177 - By Graham	7
Educational institutions, bd. of ed. and under st. bd. of ed., job openings, posting of notices, req.	
H. 255 - By Hooper	27
State Records Commission and Local Gov't. Records Commission, membership alt., Secs. 41-13-20, 41-13-22, 41-13-25 am'd.	
H. 30 - By Clouse	6
Alcoholic beverages, dealers, use of words, "saloon," "buffet," "bar," prohibition removed, Sec. 28-4-31 am'd.	
H. 202 - By Johnson (R) (As Substituted)	30
Olympic Pharmacy, exempt from licensing requirements	
H. 57 - By Crigler	15
Pornography, criminal offense of distribution or possession with intent to distribute, penalty for second or third offense, Sec. 13A-12-200.2 am'd.	
H. 24 - By Hawk	11
Persons convicted of felony, probate ct. prohib. from allowing person to change name, Sec. 12-13-1 am'd.	
H. 169 - By Guin	18
Harassment, further defined, Sec. 13A-11-8 am'd.	
H. 22 - By Hawk	11
Volunteer fire depts. given same powers as mun. firefighters reenforcing laws against obstructing public admin. duties, Sec. 13A-10-1 am'd.	

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H. 67 - By Johnson (R) (As Amended)

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Drug Dealers Liability Act, civil actions against marketers of illegal drugs, auth.

The following bills are not subject to the 10-minute limitation, and are subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id	Page
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H. 171 - By Burke	8
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Environment, jt. environmental legis. oversight committee, estab.

H. 172 - By Burke	9
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Environmental Management Comm., composition alt., appointment by Speaker, Lt. Gov., and Gov., term limit, Sec. 22-22A-6 am'd.

H. 17 - By Laird	3
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Legislative employees, election, appt., comp., classification reg., office of Speaker distinct, Secs. 29-1-9, 29-1-12, 29-2-22, 29-2-41, 29-2-62 am'd.; Secs. 29-2-7, 29-2-21, 29-2-53, Ch. 4 of Title 29 repealed

H. 35 - By Box	5
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Product demonstrators, deemed independent contractors for unemployment compensation purposes, Sec. 25-4-10, 25-5-50, am'd.

On motion of Representative Carter, the resolution, H.R. 151, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Venable, the Budget Isolation Resolution relating to the bill, H. 182, was adopted.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Boyd, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance and Venable.

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RESOLUTIONS

The following resolutions were introduced:

By Representatives Turner, Pringle and Dolbare:

H.J.R. 152. CONGRATULATING ABB CARROLL COLE ON HIS 100TH BIRTHDAY.

The resolution, H.J.R. 152, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hill:

H.J.R. 153. ENCOURAGING STATE HEALTH AND ENVIRONMENTAL AGENCIES TO DEVELOP POLICIES THAT PROTECT ECONOMIC AND LEGAL INTERESTS OF THE PRIVATE ECONOMIC SECTOR.

The resolution, H.J.R. 153, was read and referred to the Standing Committee on Rules.

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Also:

By Representatives Lindsey and Drake:

H.J.R. 154. COMMEMORATING THE LIFE OF ARTHUR "TARZAN" WHITE.

The resolution, H.J.R. 154, was read and referred to the Standing Committee on Rules.

H. 182 TAKEN UP

And the bill:

H. 182. To amend Section 16-9-8, Code of Alabama 1975, to provide that elected county superintendents of education take office on January 1 following election.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, McAdory, McClammy, McDaniel, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Lindsey, the Budget Isolation Resolution relating to the bill, H. 143, was adopted.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Boyd, Burke, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McDaniel, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance and Willis.

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And the bill:

H. 143. To propose an amendment to the Constitution of Alabama of 1901, relating to Cleburne County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments; providing for expenditure and accounting of the funds; providing for the tax to self-destruct upon dissolution of the Cleburne County Volunteer Fire Department Association; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Townsend, Turner, Vance, Venable and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hammett, the Budget Isolation Resolution relating to the bill, H. 234, was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Townsend, Vance and Willis.

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And the bill:

H. 234. To amend Section 9-3-18 of the Code of Alabama 1975, to provide further for certain organizations deemed to be public in nature.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Townsend, Turner, Vance and Willis.

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LEAVE OF ABSENCE

At the request of Representative Hammett, leave of absence was granted for Representative Newton (D).

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed resolution with the original resolution and finds same correctly engrossed, to-wit:

H.J.R. 149. MOURNING THE DEATH OF GEANETT WALLACE MORGAN OF PIEDMONT, ALABAMA.

TOMMY CARTER
Chairman

And the resolution, H.J.R. 149, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed resolution with the original resolution and finds same correctly engrossed, to-wit:

H.J.R. 150. COMMENDING L.T. AND GEANETT MORGAN UPON THEIR INDUCTION INTO THE "HUDDLE HOUSE HALL OF FAME."

TOMMY CARTER
Chairman

And the resolution, H.J.R. 150, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Laird, the Budget Isolation Resolution relating to the bill, H. 33, was adopted.

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Yeas 75; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Townsend, Turnham and Vance.

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And the bill:

H. 33. To repeal in its entirety Act 95-762 and to make a \$6,616,000 supplemental appropriation from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1996, to the State Board of Education to be distributed to six local boards of education for capital outlay purposes for the construction of or repairs to schools damaged by windstorm or fire.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 201, was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Venable and Wren.

-77

And the bill:

H. 201. (With Substitute): Relating to pharmacists; providing for the registration and regulation of pharmacy technicians; and providing for definitions.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Health, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to pharmacists; providing for the registration and regulation of pharmacy technicians; and providing for definitions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. As used in this act, the following terms shall have the following meanings:

(1) PHARMACY FUNCTIONS. Those functions performed in a pharmacy department which do not require the professional judgment of a licensed pharmacist.

(2) **PHARMACY TECHNICIAN.** An individual, other than an intern, extern, or an assistant pharmacist, who performs pharmacy functions under the direct supervision of a licensed pharmacist.

(3) **SUPERVISION.** The direct on-site overseeing of the performance of assigned or delegated duties or functions.

Section 2. (a) A pharmacy technician shall not perform pharmacy functions or be present in the prescription department of a pharmacy unless he or she is under the direct supervision of a licensed pharmacist. A pharmacy technician shall not perform pharmacy functions or be present in the prescription department of a pharmacy unless he or she is registered by the Board of Pharmacy.

(b) When supervision is required, a licensed pharmacist shall be jointly responsible and liable for the actions of a pharmacy technician.

(c) A pharmacy technician shall register and pay a fee as determined by the Board of Pharmacy before performing any pharmacy functions. The Board of Pharmacy shall develop rules and regulations relating to the registration of all pharmacy technicians. The registration of a pharmacy technician shall be renewable annually upon payment of the required fee.

Section 3. The Board of Pharmacy shall revoke or suspend the registration of a pharmacy technician or place on probation a pharmacy technician for any of, but not limited to, the following reasons:

(1) Willful violation of any provision of this act or the Alabama Uniform Controlled Substances Act.

(2) Willful violation of any rule or regulation promulgated in accordance with this act or the Alabama Uniform Controlled Substances Act.

(3) Action which threatens the public health, safety, or welfare.

(4) Conviction of a felony or misdemeanor involving moral turpitude.

(5) Conviction of a felony or misdemeanor involving a drug related offense of a legend drug or controlled substance.

(6) Obtaining the pharmacy technician registration by fraudulent means.

(7) Violation of the laws regulating the sale or dispensing of narcotics, exempt narcotics, or drugs bearing the label "caution, federal law prohibits dispensing without prescription," or similar wording which causes the drugs to be classified as prescription legend drugs.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Burke, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-77

And the bill:

H. 201. Relating to pharmacists; providing for the registration and regulation of pharmacy technicians; and providing for definitions.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McClammy, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Townsend, Willis and Wren.

-71

BUDGET ISOLATION RESOLUTION OFFERED

Representative McKee offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 83.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 151, the time to debate the bill, H. 83, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

RESOLUTIONS

The following resolutions were introduced:

By Representatives Knight (A) and Carns:

H.J.R. 155. CONGRATULATING MARTHA C. KNIGHT AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

The resolution, H.J.R. 155, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Hawkins and Knight (A):

H.J.R. 156. CONGRATULATING KAY WAGGONER TIPTON AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

The resolution, H.J.R. 156, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Smith and Knight (A):

H.J.R. 157. CONGRATULATING LARRY P. HAYNES AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

The resolution, H.J.R. 157, was read and referred to the Standing Committee on Rules.

Also:

By Representative Knight (A):

H.J.R. 158. COMMENDING THE BIRMINGHAM POST-HERALD ON SPONSORING THE DISTINGUISHED TEACHER AWARD.

The resolution, H.J.R. 158, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Payne and Knight (A):

H.J.R. 159. CONGRATULATING SABINE T. GOETZ AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

The resolution, H.J.R. 159, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Payne and Knight (A):

H.J.R. 160. CONGRATULATING GENIE MCMILLAN AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

The resolution, H.J.R. 160, was read and referred to the Standing Committee on Rules.

RECESS

On motion of Representative Hammett, the House recessed from 11:45 o'clock a.m. until 1:00 o'clock p.m.

HOUSE RECONVENED

The hour of 1:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 1:00 o'clock p.m. on Tuesday, February 27, 1996, and the motion was adopted.

SPECIAL ORDER CALENDAR RESUMED

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Buskey, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 45.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Buskey, the Budget Isolation Resolution relating to the bill, H. 45, was adopted.

Yeas 39; Nays 0.

Yea:

Mr. Speaker, Box, Burke, Buskey, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Gaines, Gaston, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hogan, Hooper, Johnson (E), Kennedy, Knight (A), Laird, McMillan, Moore, Morrison, Murphree, Papucci, Penry, Reed, Seibenhener, Spratt, Turner, Vance and Willis.

-39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 45. To provide that the city council or governing body of a Class 2 municipality shall meet not less than 48 times per year.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Box, Burke, Buskey, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Gaines, Gaston, Guin, Hamilton, Hammett, Haney, Hayden, Hill, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Laird, McAdory, McKee, McMillan, Millican, Moore, Morrison, Murphree, Papucci, Penry, Reed, Rogers (J), Seibenhener, Spratt, Turner, Vance and Willis.

-44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Turner, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 94.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 94, was adopted.

Yeas 43; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Burke, Buskey, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Gaines, Gaston, Guin, Hamilton, Hammett, Haney, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Kennedy, Knight (A), McAdory, McKee, McMillan, Millican, Moore, Morrison, Murphree, Papucci, Penry, Reed, Rogers (J), Spratt, Thomas (D), Turner, Vance and Willis.

-43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 94. Relating to Mobile County; exempting certain metal structures used for hunting camps, hunting clubs, or hunting lodges in the unincorporated areas of the county from the inspection requirements of county ordinances and the county building code relating to plumbing, electricity, and other utilities.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

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Yeas 46; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Box, Burke, Buskey, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Gaines, Gaston, Guin, Hamilton, Hammett, Haney, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Kennedy, Knight (A), McAdory, McKee, McMillan, Millican, Moore, Morrison, Murphree, Papucci, Penry, Reed, Rogers (J), Spratt, Turner, Vance, Venable and Willis.

-46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Graham, the Budget Isolation Resolution relating to the bill, H. 177, was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, McAdory, McClammy, Morrison, Morton, Murphree, Newton (C), Papucci, Payne, Petelos, Reed, Robinson, Rogers (M), Sanderford, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, Warren and Willis.

-62

And the bill:

H. 177. To require the reasonable posting of personnel vacancies by public school systems, public schools or colleges under the control of the State Board of Education, and certain other public educational institutions before the positions are filled.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Maull, McAdory, McClammy, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Payne, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Townsend, Turner, Vance, Venable, Warren and Willis.

-67

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hooper, the Budget Isolation Resolution relating to the bill, H. 255, was adopted.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Spratt, Townsend, Vance, Venable, Warren and Willis.

-70

And the bill:

H. 255. Relating to public records; to amend Sections 41-13-20, 41-13-22, and 41-13-25 of the Code of Alabama 1975; and to provide further for the composition of the State Records Commission and the Local Government Records Commission.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Thomas (D), Townsend, Vance, Venable and Willis.

-76

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Clouse, the Budget Isolation Resolution relating to the bill, H. 30, was adopted.

Yeas 72; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, Warren and Willis.

-72

Nay:

Representative Payne.

And the bill:

H. 30. To amend Section 28-4-31, Code of Alabama 1975, relating to the prohibition against using the words saloon, buffet, or bar in describing places where alcoholic beverages are sold, to remove the prohibition.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Dean, Dukes, Gaines, Galliher, Gipson, Graham, Guin, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McKee, McMillan, Millican, Moore, Morrison, Murphree, Papucci, Parker (P), Penry, Petelos, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Turner, Vance, Venable, Warren and Willis.

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Nay:

Representatives Layson, Payne and Townsend.

- 3

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 202, was adopted.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Townsend, Turner, Vance, Venable and Willis.

-73

And the bill:

H. 202. (With Substitute): To exempt the official Olympic Pharmacy from the licensing requirements of the State Board of Pharmacy for the XXVI Olympiad Games.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Health, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To exempt the official Olympic Pharmacy from the monetary requirement for licensure of the State Board of Pharmacy for the XXVI Olympiad Games.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The official Olympic Pharmacy of the XXVI Olympiad Games is exempt from the monetary requirement for licensure of the State Board of Pharmacy pursuant to Chapter 23, Section 34-23-30 of Title 34, Code of Alabama 1975, for the duration of the XXVI Olympiad Games. This exemption expires December 31, 1996.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Townsend, Turner, Vance, Venable and Willis.

And the bill:

H. 202. To exempt the official Olympic Pharmacy from the monetary requirement for licensure of the State Board of Pharmacy for the XXVI Olympiad Games.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McClammy, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Reed, Rogers (M), Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Townsend, Turner, Vance and Willis.

-71

BUDGET ISOLATION RESOLUTION OFFERED

Representative Crigler offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 57.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 151, the time to debate the bill, H. 57, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Hammett:

H.R. 161. MOURNING THE DEATH OF HENRY DEE BENTON OF OPP, ALABAMA.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hawk, the Budget Isolation Resolution relating to the bill, H. 24, was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dolbare, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Penry, Perdue, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-78

And the bill:

H. 24. To amend Section 12-13-1 of the Code of Alabama 1975, relating to the jurisdiction of the probate court; to provide that the probate court shall not have the jurisdiction to change the name of a person convicted of a felony offense; and to require the person who files a petition to change his or her name to file a declaration that he or she has not been convicted of a felony offense.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 24:

Representatives Allen, Baker, Black (M), Carter, Clouse, Collins, Crigler, Curry, Dukes, Gaines, Galliher, Graham, Guin, Hall (L), Hammett, Hayden, Hinshaw, Hogan, Houston, Layson, Lindsey, McAdory, McDaniel, McMillan, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Payne, Penry, Perdue, Petelos, Pringle, Robinson, Sanderford, Sanderson, Seibenhener, Smith, Townsend, Turnham, Vance, Venable and Willis.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Guin, the Budget Isolation Resolution relating to the bill, H. 169, was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, White and Willis.

-84

And the bill:

H. 169. To amend Section 13A-11-8, Code of Alabama 1975, relating to harassment or harassing communications, to further define harassment.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

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4th Day**

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Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Payne, Penry, Perdue, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-82

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hawk, the Budget Isolation Resolution relating to the bill, H. 22, was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean Dolbare, Dukes, Flowers, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A) Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J) Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-82

And the bill:

H. 22. To amend Section 13A-10-1, Code of Alabama 1975, relating to definitions in offenses relating to obstruction of public administration, to include volunteer firefighters in the definition of "Firemen" and the fire control activities of volunteer fire departments in the definition of "Governmental Function."

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 201. Relating to pharmacists; providing for the registration and regulation of pharmacy technicians; and providing for definitions.

TOMMY CARTER
Chairman

And the bill, H. 201, as engrossed, was ordered sent to the Senate.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Smith intended to vote "Yea" on passage of the bill, H. 169.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 96. CONGRATULATING THE ALABAMA PRESS ASSOCIATION
FOR 125 YEARS OF OUTSTANDING SERVICE.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 67, was adopted.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Townsend, Turnham, Vance, Venable and Willis.

-72

And the bill:

H. 67. (With Amendments): To provide an action for civil damages for certain persons who are injured as a result of the illegal marketing of controlled substances; and to provide for damages.

was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend H. 67 on Page 4, Line 6, after the word "only." by adding the following sentence:

In addition, the term does not include the prescription, administration, dispensing or sale of a controlled substance by a physician licensed to practice medicine, registered pharmacist or other legally authorized health care provider when the controlled substance is prescribed, administered, dispensed, or sold in the regular course of professional practice for a legitimate medical purpose.

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable and Willis.

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The question was then on the adoption of the amendment #2 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend H. 67 on Page 3, Line 5, after the word "but" by striking the following word: ~~not~~

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

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AMENDMENT OFFERED

Representative Johnson (R) offered the following amendment #1 to the bill, H. 67, as amended:

To amend H. 67 on page 8, line 13 by striking "(1)" and inserting (2).

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

-83

AMENDMENT OFFERED

Representative Johnson (R) offered the following amendment #2 to the bill, H. 67, as amended:

Amend H. 67 as follows:

On page 2, line 12 strike the number "13," and insert "13-A," in lieu thereof.

On page 3, line 10 strike "more than one pound but less than 10" and insert "one pound or more but less than five" in lieu thereof.

On page 3, line 16 strike the word "ounces" and insert the word "pounds" in lieu thereof.

On page 3, line 18 strike "more than five pounds" and insert "five pounds or more" in lieu thereof.

On page 8, line 13 strike "(1)" and insert "(2)" in lieu thereof.

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-79

And the bill:

H. 67. To provide an action for civil damages for certain persons who are injured as a result of the illegal marketing of controlled substances; and to provide for damages.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 202. To exempt the official Olympic Pharmacy from the monetary requirement for licensure of the State Board of Pharmacy for the XXVI Olympiad Games.

TOMMY CARTER
Chairman

And the bill, H. 202, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Burke, the Budget Isolation Resolution relating to the bill, H. 171, was adopted.

Yeas 57; Nays 12.

Yea:

Mr. Speaker, Black (L), Boyd, Burke, Carothers, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Fuller, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, Melton, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Parker (P), Pringle, Reed, Robinson, Rogers (M), Smith, Spratt, Thomas (D), Turner, Vance, Venable and Willis.

-57

Nay:

Representatives Carns, Clouse, Gaines, Hill, McKee, Papucci, Payne, Sanderford, Sanderson, Seibenhener, Sims and Townsend.

-12

And the bill:

H. 171. To create the Environmental Legislative Oversight Committee to advise on environmental policy issues and to review operations of the State Environmental Management Commission and the Alabama Department of Environmental Management.

was taken up.

AMENDMENT OFFERED

Representative Burke offered the following amendment to the bill, H. 171:

On page 3, lines 6 and 7, delete the words: "and review all policy decisions of the commission and the department"

Also on page 3, delete subdivisions (5) on lines 15, 16, 17, 18, and 19, and renumber the remaining subdivisions accordingly.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Boyd, Burke, Carothers, Collins, Crigler, Dean, Dolbare, Dukes, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Sanderford, Sanderson, Sims, Smith, Thomas (D), Townsend, Turner, Vance, Venable and Willis.

-65

And the bill:

H. 171. To create the Environmental Legislative Oversight Committee to advise on environmental policy issues and to review operations of the State Environmental Management Commission and the Alabama Department of Environmental Management.

as amended, was read a third time at length and passed, and ordered engrossed.

**REGULAR SESSION
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Yeas 61; Nays 11.

Yea:

Mr. Speaker, Baker, Black (L), Boyd, Burke, Carothers, Collins, Crigler, Dean, Dolbare, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hayden, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Parker (P), Penry, Pringle, Reed, Robinson, Rogers (M), Sanderford, Smith, Spratt, Thomas (D), Turner, Vance, Venable and Willis.

-61

Nay:

Representatives Carns, Clouse, Hawkins, Hill, McKee, Papucci, Payne, Sanderson, Seibenhener, Sims and Townsend.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Burke, the Budget Isolation Resolution relating to the bill, H. 172, was adopted.

Yeas 49; Nays 28.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Collins, Drake, Galliher, Gipson, Graham, Hall (A), Hall (L), Hammett, Hawk, Hayden, Hilliard, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, Millican, Morrison, Morrow, Murphree, Newton (C), Page, Parker (P), Robinson, Smith, Spratt, Starkey, Turner, Vance, Venable, Warren and Willis.

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Nay:

Representatives Carns, Clouse, Curry, Dolbare, Flowers, Gaines, Haney, Hawkins, Hill, Hooper, Johnson (R), Laird, Layson, McKee, McMillan, Moore, Morton, Papucci, Payne, Penry, Petelos, Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend and Wren.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Crigler intended to vote "Nay" on adoption of the Budget Isolation Resolution relating to the bill, H. 172.

H. 172 TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the bill, H. 172, was temporarily carried over at the request of Representative Burke.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 96. CONGRATULATING THE ALABAMA PRESS ASSOCIATION
FOR 125 YEARS OF OUTSTANDING SERVICE.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 67. To provide an action for civil damages for certain persons who are injured as a result of the illegal marketing of controlled substances; and to provide for damages.

TOMMY CARTER
Chairman

And the bill, H. 67, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Laird, the Budget Isolation Resolution relating to the bill, H. 17, was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Morrison, Morrow, Morton, Murphree, Page, Papucci, Payne, Petelos, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Spratt, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, Willis and Wren.

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And the bill:

H. 17. Relating to subordinate officers and employees of the Legislature; providing for the election, appointment, number, duties, powers, compensation, classification, and supervision of these officers and employees; providing that the Offices of the Lieutenant Governor and the Speaker of the House of Representatives are distinct and specifying the powers of the Lieutenant Governor and the Speaker in the operation of their offices; amending Sections 29-1-9, 29-1-12, 29-2-22, 29-2-41, and 29-2-62 of the Code of Alabama 1975; repealing Chapter 4 of Title 29 of the Code of Alabama 1975 and adding a new chapter in lieu thereof relating to subordinate officers and employees of the Legislature; repealing Sections 29-2-7, 29-2-21, and 29-2-53 of the Code of Alabama 1975; and providing for a delayed effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Vance, Venable and Willis.

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Nay:

Representative Jackson.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 171. To create the Environmental Legislative Oversight Committee to advise on environmental policy issues and to review operations of the State Environmental Management Commission and the Alabama Department of Environmental Management.

TOMMY CARTER
Chairman

And the bill, H. 171, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Laird offered the motion to reconsider the vote by which the bill, H. 32, as amended, was passed, and the motion to reconsider was adopted.

And the bill, H. 32, as amended, was again taken up.

H. 32 TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the bill, H. 32, as amended, was temporarily carried over at the request of Representative Laird.

NOTICE IN WRITING FILED

Representative Box filed the following Notice in Writing:

Notice is hereby given in accordance with House Rule 19 that Representative Gaines is designated to serve as sponsor for H. 35.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Box, the Budget Isolation Resolution relating to the bill, H. 35, was adopted.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Allen, Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, McAdory, McClammy, McDaniel, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Smith, Thomas (D), Townsend, Turner, Turnham, Venable, Warren and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Windom (With Notice and Proof):

S. 39. To provide that the city council or governing body of a Class 2 municipality shall meet not less than 48 times per year.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 39, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 39. Local Legislation No. 3.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Armistead, Adams, Amari, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 30. DESIGNATING THE RALPH W. SEARS MEMORIAL HIGHWAY.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 30, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Waggoner:

S.J.R. 34. COMMENDING DAVID R. BELCHER OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING PROFESSIONAL AND CIVIC ACHIEVEMENTS.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 34, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Guin and Hogan:

H.R. 162. HONORING MRS. REBECCA WOODFIN WALKER OF JASPER, ALABAMA, ON THE OCCASION OF HER 100TH BIRTHDAY.

Also:

The following resolution was introduced:

By Representatives Smith and Layson:

H.J.R. 163. DESIGNATING ARBOR WEEK IN THE STATE OF ALABAMA ON FEBRUARY 18-24, 1996.

The resolution, H.J.R. 163, was read and referred to the Standing Committee on Rules.

H. 35 TAKEN UP

And the bill:

H. 35. To amend Sections 25-4-10 and 25-5-50, Code of Alabama 1975, relating to exclusions from the definition of employment for state unemployment compensation and workers compensation purposes, respectively; to clarify and confirm the Legislature's intent that certain product demonstrators shall be considered self-employed independent contractors for purposes of determining eligibility for state unemployment and workers compensation, and not as employees; and to provide for a retroactive effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 4.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Moore, Morton, Murphree, Papucci, Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, Willis and Wren.

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Nay:

Representatives Hall (A), Morrison, Page and Robinson.

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MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Gaines offered the motion to reconsider the vote by which the bill, H. 35, was passed, and the motion to reconsider was adopted.

And the bill, H. 35, was again taken up.

SUBSTITUTE OFFERED

Representative Gaines offered the following substitute to the bill, H. 35:

**A BILL
TO BE ENTITLED
AN ACT**

To amend Sections 25-4-10 and 25-5-50, Code of Alabama 1975, relating to exclusions from the definition of employment for state unemployment compensation and workers compensation purposes, respectively; to clarify and confirm the Legislature's intent that certain product demonstrators shall be considered self-employed independent contractors for purposes of determining eligibility for state unemployment and workers compensation, and not as employees; and to provide for a retroactive effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 25-4-10 and 25-5-50, Code of Alabama 1975, are amended to read as follows:

"§25-4-10.

"(a) Subject to other provisions of this chapter, "employment" means:

"(1) Any service performed prior to January 1, 1978, which was employment as defined in this section prior to such date and, subject to the other provisions of this section, services performed for remuneration after December 31, 1977, including service in interstate commerce, by:

"a. Any officer of a corporation; or

"b. Any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee; or

"c. Any individual other than an individual who is an employee under paragraphs a or b of this subdivision (1) who performs services for remuneration for any person:

"1. As an agent-driver or commission-driver engaged in distributing meat products, bakery products, beverages (other than milk) or laundry or dry cleaning services for a principal;

"2. As a traveling or city salesman engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his or her principal (except for sideline sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors or operators of hotels, restaurants or other similar establishments for merchandise for resale or supplies for use in their business operations.

"For purposes of paragraph c of this subdivision, the term "employment" shall include services described in subparagraphs 1 and 2 of paragraph c of this subdivision, performed after December 31, 1971, only if:

"(i) The contract of service contemplates that substantially all of the services are to be performed personally by such individual;

"(ii) The individual does not have a substantial investment in facilities used in connection with the performance of the services (other than in facilities for transportation); and

"(iii) The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are rendered.

"(2) Service performed:

"a. After December 31, 1971, but prior to January 1, 1978, by an individual in the employ of this state or any of its instrumentalities or political subdivisions or their instrumentalities (or in the employ of any of the foregoing and one or more other states or their instrumentalities or political subdivisions) for a hospital or institution of higher education located in this state; provided, however, that such service is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of Section 3306(c)(7) of that act, and is not excluded from "employment" under subsection (b) of this section; provided further, that such service in the employ of a political subdivision or any of its instrumentalities shall be deemed to be "employment" within the meaning of this chapter only if the political subdivision or its instrumentalities has elected to become an employer subject to this chapter pursuant to Section 25-4-131 for all such service in the employ of the political subdivision and its instrumentalities and has not ceased to be an employer subject hereto pursuant to Section 25-4-130 or Section 25-4-131; and

"b. After December 31, 1977, in the employ of this state or any of its instrumentalities or of any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one of the foregoing or any instrumentality of any one of the foregoing and one or more other states or political subdivisions, provided, however, that such service is excluded from "employment" as defined in the Federal Unemployment Tax Act by Section 3306(c)(7) of that act and is not excluded from "employment" under subsection (b) of this section.

"c. For the purposes of this chapter, the term "governmental entity" in reference to this state is defined as the entirety of state government, but for the purposes of reporting, accounting or other administrative procedures such entity shall be divided into each department, agency, board, commission and any other separately organized division or instrumentality of this state. The comptroller of this state shall make such payments to the director as are required by the other provisions of this chapter as they pertain to the various organizational components

of the state. The comptroller is hereby authorized to require of such components such payments as are necessary to discharge his or her responsibilities and shall enforce such payments under the provisions of subsection (b) of Section 25-4-51.

"d. The term "governmental entity" in reference to any political subdivision is defined as each county and its instrumentalities and each municipality and its instrumentalities, except that each instrumentality of a political subdivision which is separately incorporated or otherwise removed from the control of the governing body of the political subdivision shall be a separate governmental entity. Instrumentalities organized and operated jointly by any combination of two or more of the aforementioned entities shall be considered as constituting a separate governmental entity. The foregoing notwithstanding, each separate public school system shall constitute a separate governmental entity.

"(3) Service performed after December 31, 1971, by an individual in the employ of a religious, charitable, educational or other organization but only if the following conditions are met:

"a. The service is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of Section 3306(c)(8) of that act, and is not excluded from "employment" under subdivisions (8) and (21) of subsection (b) of this section; and

"b. The organization had four or more individuals in employment for some portion of a day in each of 20 different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time.

"(4) a. Service performed after December 31, 1977, by an individual in agricultural labor as defined in subdivision (1) of subsection (b) of this section, when:

"1. Such service is performed for an employing unit which:

"(i) During any calendar quarter in either the current or the preceding calendar year paid remuneration in cash of \$20,000.00 or more to individuals employed in agricultural labor (not taking into account service in agricultural labor performed before January 1, 1984, by an alien referred to in subparagraph 2 of this paragraph a; or

"(ii) For some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor (not taking into account service in agricultural labor performed before January 1, 1984, by an alien referred to in subparagraph 2 of this paragraph a, 10 or more individuals, regardless of whether they were employed at the same moment of time.

"2. For the purposes of this paragraph a, such service is not considered to be performed in agricultural labor if performed before January 1, 1984, by an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to Sections 214(c) and 101(a)(15)(H) of the Immigration and Nationality Act.

"3. For the purposes of this paragraph a any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other person shall be treated as an employee of such crew leader.

"(i) If such crew leader holds a valid certificate of registration under the Farm Labor Contractor Registration Act of 1963, or substantially all the members of such crew operate or maintain tractors, mechanized harvesting or crop dusting equipment, or any other mechanized equipment, which is provided by such crew leader; and

"(ii) If such individual is not an employee of any other person within the meaning of subdivision (1) of this subsection.

"4. For the purposes of this subdivision (4) in the case of any individual who is furnished by a crew leader to perform service in agricultural labor for any other person and who is not treated as an employee of such crew leader under subparagraph 3 of this paragraph a:

"(i) Such other person and not the crew leader shall be treated as the employer of such individual; and

"(ii) Such other person shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader (either on his or her own behalf or on the behalf of such other person) for the service in agricultural labor performed for such other person.

"5. For the purposes of this paragraph a, the term "crew leader" shall mean an individual who:

"(i) Furnishes individuals to perform service in agricultural labor for any other persons;

"(ii) Pays (either on his or her own behalf or on behalf of such other person) the individuals so furnished by him or her for the service in agricultural labor performed by them; and

"(iii) Has not entered into a written agreement with the farm operator under which such crew leader is designated as an employee of such farm operator.

"b. Domestic service after December 31, 1977, in a private home, local college club, or local chapter of a college fraternity or sorority performed for a person who paid cash remuneration of \$1,000.00 or more in any calendar quarter in the current calendar year or the preceding calendar year to individuals employed in such domestic service.

"For the purposes of this paragraph b the term "domestic service" includes all service for a person in the operation and maintenance of a private household, local college club, or local chapter of a college fraternity or sorority as distinguished from service as an employee in the pursuit of an employer's trade, occupation, profession, enterprise, or vocation.

"(5) The term "employment" shall include the service of an individual who is a citizen of the United States, performed outside the United States after December 31, 1971, (except in Canada or in the case of the Virgin Islands after December 31, 1971, and prior to January 1 of the year following the year in which the U. S. Secretary of Labor approves the Unemployment Compensation Law of the Virgin Islands under Section 3304(a) of the Internal Revenue Code of 1954) in the employ of an American employer (other than service which is deemed "employment" under the provisions of subdivision (8) or (9) of this subsection (a) or the parallel provisions of another state's law), if:

"a. The employer's principal place of business in the United States is located in this state; or

"b. The employer has no place of business in the United States, but:

"1. The employer is an individual who is a resident of this state; or

"2. The employer is a corporation which is organized under the laws of this state; or

"3. The employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any other state; or

"c. None of the criteria of paragraphs a and b of this subdivision (5) is met but the employer has elected coverage in this state, or the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the law of this state.

"d. An "American employer," for the purpose of this subsection, means a person who is:

"1. An individual who is a resident of the United States; or

"2. A partnership, if two-thirds or more of the partners are residents of the United States; or

"3. A trust, if all of the trustees are residents of the United States; or

"4. A corporation organized under the laws of the United States or of any state.

"e. For the purposes of this subdivision (5), the term "United States" includes the states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and in the case of the Virgin Islands, after December 31 of the year in which the U. S. Secretary of Labor approves the Virgin Islands' Unemployment Insurance Law for the first time.

"(6) Notwithstanding subdivision (8) of this subsection (a), all service performed by an officer or a member of the crew of an American vessel on or in connection with such vessel, if the operating office from which the operations of such vessel operating on navigable waters within, or within and without, the United States are ordinarily and regularly supervised, managed, directed and controlled, is within this state.

"(7) Notwithstanding any other provisions of this section, service with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund or which as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act is required to be covered under this chapter.

"(8) Subject to the other provisions of this section, the term "employment" shall include an employee's entire service, performed within or both within and without this state if:

"a. The service is localized in this state; or

"b. The service is not localized in any state but some of the service is performed in this state and the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled is in this state, or the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the employee's residence is in this state;

"c. Service shall be deemed to be localized within a state if the service is performed entirely within such state, or the service is performed both within and without such state, but the service performed without such state is incidental to the employee's service within the state; for example, service which is temporary or transitory in nature or consists of isolated transactions;

"d. The service shall be deemed to be localized in this state wherever such service is performed within the United States, as defined in paragraph e of subdivision (5) of subsection (a) of this section, if such service is not covered under the unemployment compensation law of any other state, as defined in Section 25-4-14, and the place from which such service is directed or controlled is in this state.

"(9) Services not covered under subdivision (8) of this subsection (a) and performed entirely without the state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to this chapter if the employee performing such service is a resident of this state and the director approves the election of the employing unit for whom such services are performed. The entire service of such employee shall be deemed to be "employment" subject to this chapter.

"(10) The term "employment" includes a person's entire services if such service is deemed performed in this state by virtue of reciprocal agreements pursuant to the provisions of Section 25-4-120 and does not include any service which by virtue of such agreement is deemed performed in another state.

"(b) The term "employment" shall not include:

"(1) Except as provided in paragraph a of subdivision (4) of subsection (a) of this section, service performed by an individual in agricultural labor. For purposes of this chapter, the term "agricultural labor" means any service performed prior to January 1, 1978, which was agricultural labor as defined in this section prior to such date, and remunerated service performed after December 31, 1977, if such service was performed:

"a. On a farm, in the employ of any employing unit, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, bees, poultry and fur-bearing animals and wildlife.

"b. In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm.

"c. In connection with the production or harvesting of any commodity defined as an agricultural commodity in Section 15(g) of the Agricultural Marketing Act, as amended (46 Stat. 1550, Sec. 3; 12 U.S.C. 1141j), or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes.

"d. In the employ of the operator of a farm, a group of operators of farms (or a cooperative organization of which such operators are members) in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodities, but only if such operator or group of operators (or a cooperative organization of which such operators are members) produced more than one half of the commodity with

respect to which service is performed; provided, however, the provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

"e. On a farm operated for profit if such service is not in the course of the employer's trade or business.

"As used in this subdivision, the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal and truck farms, plantations, ranches, nurseries, ranges, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

"(2) Prior to January 1, 1978, domestic services in a private home, local college club, or local chapter of a college fraternity or sorority and after December 31, 1977, if the provisions of paragraph b of subdivision (4) of subsection (a) of this section are not met.

"(3) Casual labor not in the usual course of the employer's trade or business performed after December 31, 1971, in any calendar quarter by an individual, unless the cash remuneration paid for such service is \$50.00 or more and such service is performed by an individual who is regularly employed by such employing unit to perform such service. For the purposes of this subdivision, an individual shall be deemed to be regularly employed to perform service not in the course of an employing unit's trade or business during a calendar quarter only if:

"a. On each of some 24 days during such quarter such individual performs such service for some portion of the day; or

"b. Such individual was regularly employed (as determined under paragraph a of this subdivision) by such employing unit in the performance of such service during the preceding calendar quarter.

"(4) Service performed by an individual in the employ of his or her son, daughter or spouse, and service performed by an individual under the age of 21 in the employ of his or her father or mother.

"(5) Prior to January 1, 1978, except to the extent set forth in subdivision (2) of subsection (a) of this section, service performed in the employ of this state, or any political subdivision thereof, or of any instrumentality of this state or its political subdivisions.

"(6) Prior to January 1, 1978, except as provided in subdivision (2) of subsection (a) of this section, service performed in the employ of any other state or any political subdivisions thereof, or any instrumentality of any one or more of the foregoing which is wholly owned by one or more such states or political subdivisions, and any service performed in the employ of any instrumentality of

any one or more other states or their political subdivisions to the extent that the instrumentality is, with respect to such service, immune, under the Constitution of the United States from the tax imposed by Section 3301 of the Federal Internal Revenue Code.

"(7) Service performed in the employ of the United States government or of any instrumentality wholly owned by the United States, except that if the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under this chapter, then to the extent permitted by Congress and from and after the date as of which such permission becomes effective, all of the provisions of this chapter shall be applicable to such instrumentalities and to services performed by employees for such instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers and employing units; provided, however, if this state should not be certified by the Secretary of Labor under Section 3304(c) of the Federal Internal Revenue Code for any year, then the payment required of such instrumentality with respect to such year shall be deemed to have been erroneously collected within the meaning of Article 3 of this chapter and shall be refunded by the director from the fund in accordance with the provisions of Section 25-4-137.

"(8) Except to the extent set forth in subdivision (3) of subsection (a) of this section, service performed in the employ of a corporation, community chest, fund or foundation organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation.

"(9) Service performed after June 30, 1939, with respect to which unemployment compensation is payable under the Railroad Unemployment Insurance Act of Congress (52 Stat. 1094, as amended) and services with respect to which unemployment compensation is payable under any other unemployment compensation system established by an act of Congress; provided, however, that the director is hereby authorized and directed to enter into agreements with the proper agencies under such act or acts of Congress, which agreements shall become effective 10 days after publication thereof in the manner provided in Section 25-4-111 for general rules to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this chapter acquired rights to unemployment compensation under such act or acts of Congress, or who have, after acquiring potential rights to unemployment compensation under such act or acts of Congress, acquired rights to benefits under this chapter.

"(10) Service performed by an individual as an insurance agent or as an insurance solicitor, if all such service performed by such individual is performed for remuneration solely by way of commission.

"(11) Service performed, in the employ of a school, college or university, if such service is performed:

"a. By a student who is enrolled and is regularly attending classes at such school, college or university; or

"b. By the spouse of such a student, if such spouse is advised at the time such spouse commences to perform such service, that:

"1. The employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college or university; and

"2. Such employment will not be covered by any program of unemployment insurance.

"(12) Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except this paragraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers.

"(13) Service performed in the employ of a hospital, if such service is performed by a patient of the hospital as defined in subsection (e) of this section, or service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state laws, and service performed as an intern in the employ of a hospital by an individual who has completed a four-year course in a medical school chartered or approved pursuant to state law.

"(14) Service performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution.

"(15) Except as provided in subdivisions (2) and (3) of subsection (a) of this section, any employment or service which is excluded by the express statutory provisions of Section 3306 of the Federal Internal Revenue Code as amended.

"(16) Service performed by an officer or member of the crew of a vessel which is not an American vessel. The term "American vessel" means any vessel documented or numbered under the law of the United States, and includes any vessel which is neither documented nor numbered under the laws of the United States nor documented under the laws of any foreign country, if its crew is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any state.

"(17) Service performed by an individual in (or as an officer or member of the crew of a vessel while it is engaged in) the catching, taking, harvesting, cultivating or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds or other aquatic forms of animal and vegetable life (including service performed by any such individual as an ordinary incident to any such activity), except:

"a. Service performed in connection with the catching or taking of salmon or halibut for commercial purposes; and

"b. Service performed on or in connection with a vessel of more than 10 net tons (determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States).

"(18) Service performed in the employ of a foreign government (including service as a consular or other officer or employee or a nondiplomatic representative).

"(19) Service performed in the employ of an instrumentality wholly owned by a foreign government if:

"a. The service is of a character similar to that performed in foreign countries by employees of the United States government or of an instrumentality thereof; and

"b. The director finds that the United States Secretary of State has certified to the United States Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States government and of instrumentalities thereof.

"(20) Except to the extent set forth in subdivision (3) of subsection (a) of this section, service performed in any calendar quarter in the employ of any organization exempt from income tax under Section 501(a) of the Federal Internal Revenue Code (other than organizations described in Section 401(a)) or under Section 521 of such Code, if the remuneration for such service is less than \$50.00.

"(21) Services performed for any governmental entity, institution or organization described in subdivisions (2) and (3) of subsection (a) of this section:

"a. In the employ of:

"1. A church or convention or association of churches; or

"2. An organization that is operated primarily for religious purposes and which is either operated, supervised, controlled, or principally supported by a church or convention or association of churches; or

"b. By a duly ordained, commissioned or licensed minister of a church in the exercise of his or her ministry or by a member of a religious order in the exercise of duties required by such order; or

"c. Except as provided in subdivision (7) of subsection (a) of Section 25-4-8:

"1. Prior to January 1, 1978, in the employ of a school which is not an institution of higher education;

"2. After December 31, 1977, in the employ of a governmental entity referred to in paragraph b of subdivision (2) of subsection (a) of this section, if such service is performed by an individual in the exercise of duties:

"(i) As an elected official;

"(ii) As a member of a legislative body, or a member of the judiciary of this state or any of its political subdivisions;

"(iii) As a member of the State National Guard or Air National Guard;

"(iv) As an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency (this exclusion does not apply to permanent employees whose usual responsibilities include emergency situations);

"(v) In a position which, under or pursuant to the laws of this state, is designated as a major nontenured policymaking or advisory position or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than 8 hours per week; or

"d. In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitation or remunerative work; or

"e. As part of an unemployment work relief or work training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training; or

"f. For a hospital in a state prison or other state correctional institution prior to January 1, 1978, by an inmate of the prison or correctional institution and, after December 31, 1977, by an inmate of a custodial or penal institution.

"(22) Services performed by an individual as a qualified real estate agent. For the purposes of this chapter the term "qualified real estate agent" shall mean an individual who is a sales person if:

"a. Such individual is a licensed real estate agent; and

"b. Substantially all of the remuneration for services performed as a real estate agent (whether or not paid in cash) is directly related to sales or other output (including the performance of services), rather than the number of hours worked, and

"c. The services performed by the individual are performed pursuant to a written contract between such individual and the person for whom the services are performed and such contract provides that the individual will not be treated as an employee with respect to such services for federal tax purposes.

"(23) Services performed by an individual as a direct seller. For the purposes of this chapter the term "direct seller" shall mean any individual who:

"a. Is engaged in the trade or business of selling (or soliciting the sale of) consumer products to any buyer on a:

"1. Buy-sell basis, or

"2. Deposit-commission basis, or

"3. Any similar basis which the U.S. Secretary of the Treasury prescribes by regulations, for resale (by the buyer or any other individual), in the home or otherwise than in a permanent retail establishment; or

"b. Is engaged in the trade or business of selling (or soliciting the sale of) consumer products to a consumer in the home or otherwise than in a permanent retail establishment, and

"c. Substantially all of the remuneration for the services performed by such individual as a direct seller (whether or not paid in cash) is directly related to sales or output (including the performance of services) rather than to the number of hours worked, and

"d. The services performed by such individual are performed pursuant to a written contract between such individual and the person for whom the services are performed and such contract provides that the individual will not be treated as an employee with respect to such services for federal tax purposes.

"(24) Services performed by an individual as a product demonstrator. For the purposes of this chapter, the term "product demonstrator" shall mean any individual who satisfies both of the following requirements:

"a. Is engaged in the trade or business of demonstrating, exhibiting, or soliciting the purchase of food, food-related products offered for sale, or other consumer products offered for sale to any buyer on the premises of a grocery store, dry good store, or similar retail establishment, or trade show;

"b. Who performs those services pursuant to a written contract between the individual and a person whose principal business is providing demonstrators to third parties for such purposes and the contract provides that the individual will not be treated as an employee with respect to the services for federal tax purposes.

"(c) "Institution of higher education," for the purposes of this chapter, means an educational institution which:

"(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

"(2) Is legally authorized in this state to provide a program of education beyond high school;

"(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, or a program of postgraduate or postdoctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation.

"(d) For the purposes of this chapter the term "educational institution" means an educational institution (including an institution of higher education as defined in subsection (c) of this section) in which:

"(1) Participants, trainees or students are offered an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes or abilities from, by or under the guidance of an instructor(s) or teacher(s).

"(2) It is approved, licensed or issued a permit to operate as a school by the State Department of Education or other government agency that is authorized within the state to approve, license or issue a permit for the operation of a school.

"(3) The courses of study or training which it offers may be academic, technical, trade, or preparation for gainful employment in a recognized occupation, as opposed to study or training in the social graces or skills or whose primary purpose is to provide baby-sitting or day care services although some learning activities may be included.

"In any particular case, the question of whether or not an institution is an educational institution (other than an institution of higher education) within the meaning of the criteria described above will depend on what that particular institution actually does.

"(e) "Hospital" means an institution which has been licensed, certified or approved by the State Board of Health or the State Department of Mental Health and Mental Retardation as a hospital or a similar institution operated by the state or any of its political subdivisions or by an instrumentality of either of the foregoing.

"(f) If the services performed during one half or more of any pay period by an employee for the employing unit employing him or her constitute employment, all of the services of such employee for such period shall be deemed to be employment, but if the services performed during more than one half of any such pay period by an employee for the employing unit employing him or her do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in this subsection the term "pay period" means a period (of not more than 31 consecutive days) for which a payment or remuneration is ordinarily made to the employee by the employing unit employing the employee.

"§25-5-50.

"(a) This article and Article 2 of this chapter shall not be construed or held to apply to an employer of a domestic employee; an employer of a farm laborer; an employer of a person whose employment at the time of the injury is casual and not in the usual course of the trade, business, profession, or occupation of the employer; an employer who regularly employs less than five employees in any one business, or a municipality having a population of less than 2,000 according to the most recent federal decennial census. An employer who regularly employs less than five employees in any one business; a farm-labor employer; an employer of a domestic employee; or a municipality having a population of less than 2,000 according to the most recent federal decennial census, may accept and become subject to this article and Article 4 of this chapter by filing written notice thereof with the Department of Industrial Relations, a copy thereof to be posted at the place of business of the employer; provided further, that an employer who has so elected to accept this article and Article 4 of this chapter may at any time withdraw the acceptance by giving like notice of withdrawal. Notwithstanding the foregoing, an employer electing not to accept coverage under this article and Article 4 of this chapter shall notify in writing each employee of the withdrawal of coverage. Additionally, the employer shall post a notice in a conspicuous place notifying all employees and applicants for employment that workers' compensation insurance coverage is not available.

"(b) Notwithstanding subsection (a), an officer of a corporation may elect annually to be exempt from coverage by filing written certification of the election with the department and the employer's insurance carrier.

"At the end of any calendar year, a corporate officer who has been exempted, by proper certification from coverage, may revoke the exemption and thereby accept coverage by filing written certification of his or her election to be covered with the department and the employer's insurance carrier.

"The certification for exemption or reinstatement of coverage shall become effective on the first day of the calendar month following the filing of the certification of exemption or reinstatement of coverage with the department.

"If the corporate officer elects to be exempt from coverage, the election shall not relieve the employer from continuing coverage for all other eligible employees who may have been covered prior to the election or who may subsequently be employed by the firm.

"(c) This section shall not be construed to mandate any school board to provide coverage until sufficient funds are appropriated from the special educational trust fund to implement the provisions. Nothing contained herein shall prohibit any school board that voluntarily elects to provide such coverage from doing so with local or other available funds.

"(d) This section shall provide for voluntary coverage of certified volunteer fire departments as described in Section 9-3-17 and legally organized rescue squads that meet the minimum personnel and equipment standards as established by the Alabama Association of Rescue Squads, that are engaged in fighting a fire or performing other duties involving any emergency incident and while performing any official supervised duties of the organization, including maintaining equipment and attending official training classes, and while traveling to and from an emergency incident.

"(e) In all cases where an injury that is compensable under the terms of the Alabama workers' compensation law is received by a volunteer fire fighter or rescue squad member, the wages for purposes of computing the average weekly wage shall be equal to 66 2/3 percent of what he or she is earning at his or her regular place of employment or 66 2/3 percent of the minimum wage, whichever is greater.

"(f) State certified volunteer fire departments and legally organized rescue squads are herein granted the right to purchase workers' compensation medical or disability insurance, or both, but in no event are they required to do so.

"In no event shall the regular employer of a volunteer fire fighter or rescue squad member be liable for a compensable injury under this section.

"(g) A licensed real estate agent operating under a licensed broker shall not be considered an employee for the purposes of this chapter.

"(h) An independent contractor, as defined by the guidelines of the United States Internal Revenue Service, who regularly employs less than five employees in any one business, and who is engaged in the business of constructing or assisting on-site in the construction of single-family, detached residential dwellings, may file with the Department of Industrial Relations, Workers' Compensation Division an affidavit of exemption from workers compensation coverage which affidavit shall certify that the independent contractor desires to be exempt

and to exempt his employees from being able to recover under the workers' compensation policy or self insurance of a person for whom the independent contractor will perform work as an independent contractor. This affidavit of exemption must be filed with the Alabama Department of Industrial Relations, Workers' Compensation Division, which shall validate it. An affidavit validated under this section is binding and holds harmless from all workers' compensation benefit claims of injured employees of an independent contractor a person who contracts with an independent contractor as described above after receiving a copy of the validated affidavit and the workers' compensation insurance carrier of the person who contracts with such independent contractor. Nothing herein is intended or shall be construed as abrogating the liability of or immunizing the person who contracts with an independent contractor as described above from third party liability to an injured worker pursuant to Section 25-5-11, or pursuant to any other provisions of statutory or case law other than the workers' compensation act as described above.

"(i) An individual who performs services as a product demonstrator shall not be considered an employee for purposes of this chapter. The term "product demonstrator" shall mean any individual who satisfies both of the following requirements:

"(1) Is engaged in the trade or business of demonstrating, exhibiting, or soliciting the purchase of food, food-related products offered for sale, or other consumer products offered for sale to any buyer on the premises of a grocery store, dry good store, or similar retail establishment, or trade show;

"(2) Who performs those services pursuant to a written contract between the individual and a person whose principal business is providing demonstrators to third parties for such purposes and the contract provides that the individual will not be treated as an employee with respect to the services for federal tax purposes."

Section 2. The provisions of this amendatory act shall have retroactive effect to January 1, 1996.

Section 3. This act shall become effective immediately upon its passage and approval of the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, Willis and Wren.

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And the bill:

H. 35. To amend Sections 25-4-10 and 25-5-50, Code of Alabama 1975, relating to exclusions from the definition of employment for state unemployment compensation and workers compensation purposes, respectively; to clarify and confirm the Legislature's intent that certain product demonstrators shall be considered self-employed independent contractors for purposes of determining eligibility for state unemployment and workers compensation, and not as employees; and to provide for a retroactive effective date.

as amended, was again read a third time at length and passed, and ordered engrossed.

Yeas 71; Nays 2.

Yea:

Representatives Allen, Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Laird, Layson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Moore, Morton, Murphree, Newton (C), Papucci, Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Thomas (D), Townsend, Turner, Venable, Warren, Willis and Wren.

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Nay:

Representatives Morrison and Page.

- 2

RESOLUTION

The following resolution was introduced:

By Representatives Guin and Hogan:

H.J.R. 164. HONORING MRS. REBECCA WOODFIN WALKER OF JASPER, ALABAMA, ON THE OCCASION OF HER 100TH BIRTHDAY.

WHEREAS, the Alabama Legislature joins the Jasper, Alabama, community in honoring Mrs. Rebecca Woodfin Walker on the momentous occasion of her 100th birthday, March 1, 1996; and

WHEREAS, born March 1, 1896, in Uniontown, Alabama, Rebecca Woodfin married Dr. L. M. Walker and, following his service in the United States Army during World War I, moved with him to Jasper in 1919; and

WHEREAS, Mrs. Walker, who is held in highest regard by the members of her church, First Christian Church of Jasper, and by her many friends and neighbors in the Jasper community, is the matriarch of a loving family that includes her daughter, Sarah Catherine Walker Murphy; three grandchildren, Sam Walker Murphy, Lawson Woodfin Murphy, and Catherine Murphy Payne; eight great grandchildren; and three great-great grandchildren; and

WHEREAS, March 1, 1996, is indeed a milestone occasion in the exemplary life of Mrs. Walker, and a very special and joyous event for her family and for the citizens of Jasper, as well as countless others throughout Walker County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Mrs. Rebecca Woodfin Walker on her 100th birthday, March 1, 1996, and do further direct that she receive a copy of this resolution of sincere esteem, with best wishes for every joy and happiness in the future.

On motion of Representative Guin, the rules were suspended and the resolution, H.J.R. 164, was adopted.

ADJOURNMENT

On motion of Representative Clark (W), the House adjourned until 1:00 o'clock p.m., Tuesday, February 27, 1996.

FIFTH DAY

**House of Representatives
Montgomery, Alabama
Tuesday, February 27, 1996**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Tom Hammons, First United Methodist Church, Hanceville, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Shannon Stricklin, 10th Grade, Hanceville High School, Hanceville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the fourth legislative day was dispensed with.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 129. MOURNING THE DEATH OF NORRIS KEITH YOUNG.

WHEREAS, it is with the most profound sorrow and deep sense of loss that word has been received of the death of Norris Keith Young of Birmingham, Alabama; and

WHEREAS, a native of Red Bay, Alabama, Mr. Young attended public schools in Florence, Alabama, received a B.S. Degree from Tennessee State University, and a degree in Mortuary Science from Nashville, Tennessee; and

WHEREAS, in 1960, Mr. Young began his employment as an agent and sales manager at North Carolina Mutual Insurance Company, Birmingham, Alabama, where he developed an impressive career, and remained until his retirement in 1994; and

WHEREAS, the high esteem in which Mr. Young is held by his loving family, myriad of friends, and other individuals fortunate enough to have known him indeed stands as a testament for others who strive for the best in personal, professional, public and community life, and his memory will live forever in the hearts and minds of those people who knew him; and

WHEREAS, left to cherish his memory are his loving wife, Jackie Young, devoted daughter, Gail Parker, and a host of other relatives and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express deepest regret at the death

of Norris Keith Young, and extend heartfelt sympathy to his bereaved family and friends, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 129, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 152. CONGRATULATING ABB CARROLL COLE ON HIS 100TH BIRTHDAY.

WHEREAS, the Alabama Legislature is pleased to recognize The Reverend Abb Carroll Cole, a native of Citronelle, Alabama, Charity Chapel Community, on the occasion of his 100th birthday, and pay tribute to his 73 years of dedicated and faithful service to the Lord Jesus Christ; and

WHEREAS, Reverend Cole marked a milestone in his life on November 28, 1995, with the celebration of his birthday, and upon this auspicious occasion, he is deserving of special recognition and heartiest congratulations of the citizens of the state; and

WHEREAS, Reverend Cole, who is pastor of Jesus Name Holiness Church, Charity Chapel, Alabama, is an humble servant of God and leader of his people, and served his country with honor in World War I; and

WHEREAS, indeed, as a dedicated minister of the Gospel, The Reverend Abb Carroll Cole has remained faithful to his call, working tirelessly toward the growth, progress and expansion of the church and its ministries, and leading his flock in spiritual growth toward an even brighter spiritual life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in celebration of his 100th birthday, and his many years of faithful religious service, highest commendation is hereby accorded Reverend Cole, for whom a copy of this resolution shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 152, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 154. COMMEMORATING THE LIFE OF ARTHUR "TARZAN" WHITE.

WHEREAS, the late Arthur "Tarzan" White of Jamestown, Alabama, died January 23, 1996, at the age of 80 years, leaving an unfathomable void in the life of the community, but a lasting legacy that is deeply treasured by all those whose lives he touched; and

WHEREAS, an adventurer and a man of many talents, Arthur White was indeed a remarkable man; and

WHEREAS, a native of Atmore, Alabama, "Tarzan" White was an All-American football player at the University of Alabama, an All-Pro with the New York Giants and the Chicago Cardinals, and a twice-crowned world wrestling champion; and

WHEREAS, he was hailed as a hero at Alabama, and a member of the World Championship New York Giants and, during his world class wrestling career, fought such stars as Gorgeous George, Lou Thesz, Jim Londos, and Yukon Eric, and even toured the Southeast for a number of years with our friend and colleague, and former Speaker of the House, Tom Drake, as his tag team partner; and

WHEREAS, he was also a rural mail carrier, an Army Air Corps officer, a teacher of subjects as varied as chemistry and Spanish, a state championship high school coach, and, during his youth, had hoboed his way around most of the country; and

WHEREAS, indeed, Arthur "Tarzan" White was an extraordinary man whose death is yet mourned by his loving family, and many fans and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commemorate the life and service of the late Arthur "Tarzan" White of Jamestown, Alabama, and do further direct that a copy of this resolution be provided for his beloved wife, Sara "Kip" White, and other family members, that they may know of our shared sorrow in their great and grievous loss.

On motion of Representative Carter, the resolution, H.J.R. 154, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 155. CONGRATULATING MARTHA C. KNIGHT AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

WHEREAS, it is with utmost pride and pleasure that heartiest congratulations are herein extended to Martha C. Knight of Birmingham, Alabama, as recipient of the Birmingham Post-Herald Distinguished Teacher Award; and

WHEREAS, Ms. Knight received her Master's of Education Degree from the University of Montevallo, B.S. degree in Elementary Education from the University of North Alabama, and has successfully developed her professional career through dedication and commitment to the furtherance and support of public education; and

WHEREAS, Ms. Knight is impeccably qualified to hold this honored position after devoting many years of service as a teacher in Decatur, Fairfield, Homewood, and the Shelby County Schools where she has gained praise and recognition for her innovative educational programs; she is also a member of numerous professional organizations including Delta Kappa Gamma International, Alabama Reading Association, and Centrala Reading Council; and

WHEREAS, in sincere admiration of her many notable accomplishments as an outstanding educator and school administrator, the Alabama Legislature acknowledges, with deep gratitude, the invaluable educational contributions of Martha C. Knight to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Ms. Knight as recipient of the Birmingham Post-Herald Distinguished Teacher Award, and further direct that she receive a copy of this resolution of sincere admiration and esteem.

On motion of Representative Carter, the resolution, H.J.R. 155, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 156. CONGRATULATING KAY WAGGONER TIPTON AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

WHEREAS, it is with utmost pride and pleasure that heartiest congratulations are herein extended to Kay Waggoner Tipton of Birmingham, Alabama, as recipient of the Birmingham Post-Herald Distinguished Teacher Award; and

WHEREAS, Mrs. Tipton received her Master's Degree in Secondary Education from the University of Alabama, Bachelor of Science Degree from Jacksonville State University, attended Samford University, and has successfully developed her professional career through dedication and commitment to the furtherance and support of public education; and

WHEREAS, Mrs. Tipton is impeccably qualified to hold this honored position after devoting 25 plus years of service as a teacher at Vestavia High, Ensley High, and Fairfield High Schools; sponsoring 15 annual math tournaments each hosting 1500 students, and serving as Chairperson of Vestavia Hills High School Math Department from 1989 to present, among others; and

WHEREAS, in sincere admiration of her many notable accomplishments as an outstanding educator and school administrator, and winner of the prestigious White House Commission on Presidential Scholars Distinguished Teacher Award in 1994, The Mathematical Association of America Edyth May Sliffe Award in 1992, and the Proclamation by Governor Hunt of Alabama of Kay Waggoner Tipton Day on April 30, 1992, the Alabama Legislature acknowledges, with deep gratitude, the invaluable educational contributions of Kay Waggoner Tipton to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Tipton as recipient of the Birmingham Post-Herald Distinguished Teacher Award, and further direct that she receive a copy of this resolution of sincere admiration and esteem.

On motion of Representative Carter, the resolution, H.J.R. 156, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 157. CONGRATULATING LARRY P. HAYNES AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

WHEREAS, it is with utmost pride and pleasure that heartiest congratulations are herein extended to Larry P. Haynes of Bessemer, Alabama, as recipient of the Birmingham Post-Herald Distinguished Teacher Award; and

WHEREAS, Mr. Haynes received his Ed.S., M.Ed. and B.S. degrees from the University of Montevallo, and has successfully developed his professional career through dedication and commitment to the furtherance and support of public education; and

WHEREAS, Mr. Haynes is impeccably qualified to hold this honored position after devoting ten years of service as a teacher at Montevallo High School where he has taught English and journalism, and began a pilot program in mass communications, which has grown from two cameras to a fully equipped studio with editing system; his innovative educational programs on his student-produced newscast MHS-TV News have been rated among the best in the state by the Alabama Scholastic Press Association for the past three years; and

WHEREAS, in sincere admiration of his many notable accomplishments as an outstanding educator and school administrator, the Alabama Legislature acknowledges, with deep gratitude, the invaluable educational contributions of Larry P. Haynes to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Haynes as recipient of the Birmingham Post-Herald Distinguished Teacher Award, and further direct that he receive a copy of this resolution of sincere admiration and esteem.

On motion of Representative Carter, the resolution, H.J.R. 157, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 159. CONGRATULATING SABINE T. GOETZ AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

WHEREAS, it is with utmost pride and pleasure that heartiest congratulations are herein extended to Sabine T. Goetz of Birmingham, Alabama, as recipient of the Birmingham Post-Herald Distinguished Teacher Award; and

WHEREAS, Miss Goetz received her M.A. degree from the University of Alabama at Birmingham, her B.S. degree from Birmingham-Southern College, and has successfully developed her career through deep dedication and commitment to the furtherance and support of public education; and

WHEREAS, Miss Goetz is impeccably qualified to hold this honored position after devoting many years of service as a teacher at Hewitt-Trussville Junior High School, Minor and Edgewater Junior High Schools, and during the summers as a Space Camp Level II Counselor, where she gained praise and recognition for her innovative educational programs; and

WHEREAS, in sincere admiration of her many notable accomplishments as an outstanding educator and school administrator, the Alabama Legislature acknowledges, with deep gratitude, the invaluable educational contributions of Sabine T. Goetz to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Miss Goetz as recipient of the Birmingham Post-Herald Distinguished Teacher Award, and further direct that she receive a copy of this resolution of sincere admiration and esteem.

On motion of Representative Carter, the resolution, H.J.R. 159, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 160. CONGRATULATING GENIE MCMILLAN AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

WHEREAS, it is with utmost pride and pleasure that heartiest congratulations are herein extended to Genie McMillan of Birmingham, Alabama, as recipient of the Birmingham Post-Herald Distinguished Teacher Award; and

WHEREAS, Mrs. McMillan received both her Ed.S. and Master of Arts Degree from the University of Alabama in Birmingham, Bachelor of Arts Degree from the University of West Florida, Associate of Arts Degree from Pensacola Junior College, and has successfully developed her professional career through dedication and commitment to the furtherance and support of public education; and

WHEREAS, Mrs. McMillan is impeccably qualified to hold this honored position after devoting many years of service as a teacher at Center Point Elementary, Zukaran in Okinawa, McArthur Elementary, and Shalimar, Florida, Elementary Schools where she gained praise and recognition for her innovative educational programs; and

WHEREAS, upon Mrs. McMillan's selection as a delegate to Project Assist in Education for the Citizen Ambassador Program to serve in Latvia and Lithuania, as well as winning both "The Young Zoologist's Living Learning Environment" and "The Global Child" educational grants, the Alabama Legislature acknowledges, with deep gratitude, the invaluable educational contributions of Genie McMillan to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. McMillan as recipient of the Birmingham Post-Herald Distinguished Teacher Award, and further direct that she receive a copy of this resolution of sincere admiration and esteem.

On motion of Representative Carter, the resolution, H.J.R. 160, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 163. DESIGNATING ARBOR WEEK IN THE STATE OF ALABAMA ON FEBRUARY 18-24, 1996.

WHEREAS, the State of Alabama is blessed with an abundant world class resource of more than 21 million acres of forestland; and

WHEREAS, Alabama has the third largest commercial forest industry in the nation; and

WHEREAS, Alabamians, young and old alike, benefit directly and indirectly from the trees and forestland of this state; and

WHEREAS, trees provide jobs, forest products, food, and habitat for wildlife while affording recreational opportunities for our citizens, as well as visitors to our state; and

WHEREAS, our natural resources, especially our trees and forests, must be protected and renewed through good stewardship; and

WHEREAS, the planting of a tree is not only for the generations of today, but also will serve as a valuable resource for tomorrow; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate February 18-24, 1996, as Arbor Week in Alabama, and urge all Alabamians to support their Forestry Commission by planting trees in neighborhoods, school yards, and other areas of their communities during this annual observance of Arbor Week.

On motion of Representative Carter, the resolution, H.J.R. 163, was adopted.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 35. To amend Sections 25-4-10 and 25-5-50, Code of Alabama 1975, relating to exclusions from the definition of employment for state unemployment compensation and workers compensation purposes, respectively; to clarify and confirm the Legislature's intent that certain product demonstrators shall be considered self-employed independent contractors for purposes of determining eligibility for state unemployment and workers compensation, and not as employees; and to provide for a retroactive effective date.

TOMMY CARTER
Chairman

And the bill, H. 35, as engrossed, was ordered sent to the Senate.

BILLS ON SECOND READING

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 10. To amend Section 36-26-36, Code of Alabama 1975, to provide further for partial payment for accrued sick leave for certain state employees.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 34. (With Amendment): Exempting property in this state from the satisfaction of a claim or judgement of another state or a political subdivision of another state for unpaid income taxes on certain retirement benefits.

H. 66. (With Amendment): To amend Section 15-12-21, Code of Alabama 1975, relating to appointment and compensation of attorneys appointed to represent an indigent criminal defendant, a juvenile, or certain other persons; to provide for an increase of the hourly compensation for in-court and out-of-court time of attorneys.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 135. Providing that a deferred compensation plan authorized under Sections 36-26-14 or 36-27A-2 of the Code of Alabama 1975, shall receive the same tax deferred treatment for state income tax purposes which the plan receives from the Internal Revenue Service for federal income tax purposes.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 142. To amend Sections 11-47-210 to 11-47-219, inclusive, Code of Alabama 1975, which empower municipalities to acquire and manage public parks, playgrounds, and other recreational or athletic facilities and which provide for the formation of authorities to act on behalf of the municipalities in exercising the powers; to provide further for definitions for particular terms relating to certain public corporations and for the types of properties and facilities that are subject to being acquired and managed pursuant to Article 9 of Chapter 47 of Title 11 of the Code of Alabama 1975; to grant to any county the powers granted to municipalities by the article; to provide with more specificity for the procedure to be followed in organizing an authority pursuant to the article; to modify the article respecting the composition of the governing body of the authority and to further define and expand the powers to be enjoyed by the authority; to empower the authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds, and other obligations payable solely out of the revenues, receipts, income, funds, or other sources specified in the proceedings under which the bonds, notes, or other obligations are issued; to authorize the authority to pledge its revenues and mortgage or assign its assets as security for its notes, bonds, or other obligations; to provide for the issuance of refunding bonds, notes, or other obligations by an authority for the purpose of refunding bonds, notes, or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment, or pledge created or made by the authority; to provide that the notes, bonds, and other obligations of the authority shall constitute negotiable instruments; to provide that the notes, bonds, and other obligations of the authority may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the state the property, corporate activities, revenues, and income of the authority, the transactions or actions to which the authority is a party or in which it may be involved, and the notes, bonds, and all other obligations of the authority and the interest on the notes, bonds, and obligations; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to confer upon an authority organized under this act the power of eminent domain; to

provide that any county, municipality, or other political subdivision, agency, or instrumentality of the state or any county or municipality may aid and cooperate with the authority, lend or donate money or perform services for the benefit thereof and, without the necessity of an election, donate, sell, convey, transfer, lease, or grant thereto any property of any kind; to authorize any county or municipality to enter into contracts providing for periodic monetary payments by the county or municipality to the authority, or for its benefit, to serve as a source of payment for notes, bonds, or other obligations of the authority; to specify the extent to which such a contract shall constitute or result in a debt of the county or municipality for purposes of any applicable limitation on indebtedness imposed by the constitution or other laws of the state; to provide that the authority shall be a not-for-profit corporation; to provide that such an authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes, or other obligations by the authority, and to provide that any action or proceeding questioning the validity of the bonds, notes, or other obligations, or instruments securing the same, shall be commenced within 30 days after the first publication of the notice; and to provide that the provisions of this act shall be severable.

H. 286. To amend Section 6-5-332, Code of Alabama 1975, relating to the exemption from civil liability of certain persons rendering first aid or emergency care at the scene of an accident, casualty, or disaster, to remove the requirement that first aid or emergency care be given at the scene in order for the person to be exempt from civil liability.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 479. Relating to Henry County; relating to the compensation and expense allowance for the sheriff of Henry County; so as to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office of sheriff.

H. 480. Relating to Henry County; providing further for the assessment and collection of ad valorem taxes on motor vehicles; transferring certain duties and responsibilities of the revenue commissioner or tax assessor and tax collector to the judge of probate; requiring an additional bond of the judge of probate; providing for the deposit of fees and commissions in the general fund of the county.

LEAVE OF ABSENCE

At the request of Representative Hammett, leave of absence was granted for Representative White.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 10:00 o'clock a.m. on Thursday, February 29, 1996, and the motion was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Parker (P):

H. 486. To require that any Alabama high school student who successfully completes a state-approved advanced placement course and who earns a certain score on the Educational Testing Service Advanced Placement Examination shall be granted, without further examination, a minimum number of semester or quarter hours of undergraduate credit in such a course at any publicly supported institution of postsecondary or higher education in the State of Alabama in which the student enrolls.

COMMITTEE ON EDUCATION

By Representatives Minnifield and Houston (With Notice and Proof):

H. 487. Providing for the election of the board of education of the City of Fairfield; providing that the members of the board shall be elected from defined school districts; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing the members and for filling vacancies on the board; providing for board representation for persons not residing within a school district; providing for financial audits of the records of the board; and providing that this act shall become effective upon the ratification of an amendment to the Constitution of Alabama of 1901, authorizing an elected board of education for the City of Fairfield.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 487, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives McDaniel, Fuller, Dolbare, Hawkins, Morton, Burke, Sanderford, Lindsey, Dukes, and Hill:

H. 488. To amend Section 16-25A-17, Code of Alabama 1975, as amended

by Act No. 95-538, 1995 Regular Session, relating to the Public Education Employees' Health Insurance Program, to allow the Public Education Employees' Health Insurance Board to provide additional funding for retirees.

COMMITTEE ON WAYS AND MEANS

By Representative Johnson (R):

H. 489. Relating to motor vehicles; to provide for the regulation of window tinting of motor vehicles; to provide definitions; to require that material and glazing when applied shall not reduce light transmission through the windshield or windows by certain amounts or increase light reflectance by certain amounts; to provide for certain exceptions and for medical exemptions; to provide for the approval by the Department of Public Safety of material and glazing used for the window tinting of motor vehicles in this state; to provide for labels on windshields and windows under certain conditions; and to provide penalties for violations of this act.

COMMITTEE ON HIGHWAY SAFETY

By Representative Knight (A):

H. 490. To prohibit the possession, distribution, or use of certain telecommunication devices, plans, or equipment; and to provide criminal penalties and certain civil remedies.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives Hawkins, Fuller, and Curry:

H. 491. To amend Section 32-5B-6 of the Code of Alabama 1975, relating to the issuance of citations for failure to wear a safety belt while a motor vehicle is in motion; and to repeal Section 32-5B-6 of the Code of Alabama 1975, effective January 1, 1997.

COMMITTEE ON HIGHWAY SAFETY

By Representative Hawkins:

H. 492. Relating to the Rules of the Road; providing for increased penalties for violations within a construction work zone.

COMMITTEE ON HIGHWAY SAFETY

By Representatives Robinson and Hall (A):

H. 493. To amend Section 40-12-116 of the Code of Alabama 1975, relating

to junk dealers; to require junk dealers to maintain a record of the vehicle identification number of the motor vehicles which they purchase; and to provide for penalties.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Robinson and Morrison:

H. 494. To exempt the sale of rabbits and rabbit food from state and local sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Townsend and Payne (With Notice and Proof):

H. 495. To amend Section 11-41-1 of the Code of Alabama 1975, relating to the authority and petition for an unincorporated community to incorporate, to provide further for the special procedures in counties having a population of 600,000 or more.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 495, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Turnham and Fuller:

H. 496. To reopen the Employees' Retirement System for purchase of prior service credit by an active and contributing member of the Cooperative Extension Service of Auburn University; to provide for the cost of purchasing the prior service credit; and to provide for the expiration of this act.

COMMITTEE ON WAYS AND MEANS

By Representatives Ford, Page, Knight (A), and Box:

H. 497. To make the exploitation of bears by bear wrestling for profit unlawful; to provide for Class B felony penalties, forfeiture and custody of the bear or bears used in the exploitation, and restitution.

COMMITTEE ON TOURISM, ENTERTAINMENT
AND SPORTS

By Representatives McMillan, Clark (J), Penry, Dean, Pringle, Parker (T), Warren, and Newton (C):

H. 498. To exempt all vessels and equipment thereon used by the owner thereof predominantly in the business of commercial charter fishing vessels from any state, county, and local ad valorem taxes; and to provide that to qualify for the exemption, fifty-one percent or more of the owner's earned income shall come from charter fishing revenue.

COMMITTEE ON WAYS AND MEANS

By Representative Baker (With Notice and Proof):

H. 499. To propose an amendment to the Constitution of Alabama of 1901, relating to Henry County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments in the county; providing for expenditure and accounting of the funds; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 499, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Hooper and McKee (With Notice and Proof):

H. 500. Relating to Montgomery County, requiring all beer, prior to distribution to retail licensees in the county, to be stored in a warehouse in the county and be available for inspection by the Alcoholic Beverage Control Board; and providing certain civil remedies.

COMMITTEE ON LOCAL LEGISLATION NO. 5

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 500, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Gaines (With Notice and Proof):

H. 501. Relating to Shelby County, and particularly School Tax District No. 2 in said County; approving an increase of the three mill district ad valorem school tax levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901, by ten mills to thirteen mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such additional ten mill tax to be levied and collected in said District by the governing body of Shelby County for each year beginning with the levy for the tax year October 1, 1995 to September 30, 1996 (the tax for which year will be due and payable October 1, 1996) and ending with the levy for the tax year October 1, 2016 to September 30, 2017 (the tax for which year will be due and payable October 1, 2017) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of School Tax District No. 2 in Shelby County at an election called and held in accordance with the applicable laws governing such elections.

COMMITTEE ON LOCAL LEGISLATION NO. 7

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 501, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Gaines (With Notice and Proof):

H. 502. Relating to Shelby County, and particularly School Tax District No. 1 in said County; approving an increase of the three mill district ad valorem school tax levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901, by ten mills to thirteen mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such additional ten mill tax to be levied and collected in said District by the governing body of Shelby County for each year beginning with the levy for the tax year October 1, 1995 to September 30, 1996 (the tax for which year will be due and payable October 1, 1996) and ending with the levy for the tax year October 1, 2016 to September 30, 2017 (the tax for which year will be due and payable October 1, 2017) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of School Tax District No. 1 in Shelby County at an election called and held in accordance with the applicable laws governing such elections.

COMMITTEE ON LOCAL LEGISLATION NO. 7

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 502, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Johnson (R):

H. 503. To provide for the licensing and regulation of blind vendor operations on certain public property.

COMMITTEE ON WAYS AND MEANS

By Representative Turnham:

H. 504. To amend Sections 34-8-1, 34-8-2, 34-8-4, 34-8-6, 34-8-7, 34-8-8, 34-8-9, 34-8-20, 34-8-22, 34-8-24, and 34-8-28 of the Code of Alabama 1975, relating to the contractors licensing board; to further define the term general contractor; to provide for the licensing of subcontractors; to remove the requirement that the Governor may remove a board member at any time; to provide further for licensing fees, disciplinary procedures and fines, advertisements for bids, notice of meetings, compensation and expenses of members of the board, and certain allocations to public institutions of higher learning; and to provide for penalties.

COMMITTEE ON WAYS AND MEANS

By Representative McAdory:

H. 505. To amend Section 11-43D-14, Code of Alabama 1975, to remove the management of the mayor of certain Class 5 municipalities of public utilities; to provide that a public utility board be formed under Article 9, Chapter 11 of the Code of Alabama 1975 dealing with consolidation of utility boards; to provide for the board of directors of consolidated utility boards; and the dissolution of any utility boards formed under Chapter 97, Title 11 of the Code of Alabama 1975.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Carothers, Gipson, Knight (J), Millican, McClammy, Clark (W), Rogers (J), Page, Hall (A), Lindsey, Houston, Smith, Thomas (D), Wren, Turnham, Hall (L), Melton, Fuller, Morrow, Galliher, Burke, Buskey, Hinshaw, Turner, Maull, Perdue, Morrison, Flowers, Spratt, Hawk, Petelos, Hilliard, Murphree, Venable, Crigler, Graham, Willis, Dean, Holmes, Townsend, Johnson (R), Robinson, Seibenhener, Baker, Rogers (M), Clouse, Gaines, Dolbare, Sims, Hill, Curry, Penry, Allen, and Morton:

H. 506. To amend Section 14-1-1.2 of the Code of Alabama 1975, relating to the Department of Corrections, to require the consent of the Legislature before a penal or corrections institution is leased, transferred, or placed under the management of a nongovernmental entity whose purpose is to profit.

COMMITTEE ON WAYS AND MEANS

By Representative Venable:

H. 507. To require individual voters to present certain identification at the polls as a prerequisite to being authorized to vote and to provide criminal penalties for violations.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Flowers, Johnson (R), Jackson, Graham, Wren, Sanderson, Hammett, Pringle, Vance, Carothers, and McClammy:

H. 508. To amend Sections 22-21-20, 22-21-26, and 22-21-27, Code of Alabama 1975, to license home health care agencies; to provide for rulemaking review pursuant to the Administrative Procedure Act; and to increase the membership of the licensure advisory board.

COMMITTEE ON HEALTH

By Representative Gipson:

H. 509. To amend Section 25-5-293 of the Code of Alabama 1975, as amended by Act No. 95-772, H. 986 of the 1995 Regular Session, to provide further for utilization review and bill screening for workers' compensation purposes.

COMMITTEE ON BUSINESS AND LABOR

By Representative Galliher:

H. 510. To amend Section 32-6-233.1 of the Code of Alabama 1975, relating to unauthorized use of handicapped parking places; to provide for an increase in the fine; to further prohibit unauthorized persons from parking in parking zones designated for handicapped persons at certain private businesses; to provide for the posting of the amount of the fine for a violation on signs designating handicapped parking places; and to provide for the enforcement of this act.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives McKee, Wren, McClammy, and Holmes:

H. 511. To provide distinctive motor vehicle license tags or plates for supporters of the Alabama Shakespeare Festival; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; to provide for an appropriation; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Hawk:

H. 512. To create the Judicial Education Trust Fund; to increase the docket fee on certain municipal, district, and circuit court cases, and other court processes; to specify the distribution and use of the fees; and to make an appropriation of \$800,000 from the fund for the fiscal year ending September 30, 1997.

COMMITTEE ON WAYS AND MEANS

By Representatives Burke and Fuller:

H. 513. To make an appropriation of \$2,409,081 from the Education Trust Fund to the State Board of Education for the support and maintenance of special programs for special education for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Hawkins:

H. 514. To exempt all property owned and used by the Alabama Basketball Foundation from any state, county, and local ad valorem taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Hooper:

H. 515. To amend Sections 41-23-1 to 41-23-5, inclusive, and Section 9-10B-7, Code of Alabama 1975, relating to the Alabama Department of Economic and Community Affairs; to clarify the designation of the department; to provide the department with the authority to grant federal and state funds, under appropriate regulations; to include references in the statutes of the department to the Office of Water Resources as a division of the department; and to provide further for certain personnel of the department and the Office of Water Resources.

COMMITTEE ON STATE ADMINISTRATION

By Representative Hooper:

H. 516. To amend Sections 41-23-1 to 41-23-5, inclusive, and Section 9-10B-7, Code of Alabama 1975, relating to the Alabama Department of Economic and Community Affairs; to clarify the designation of the department; to provide the department with the authority to grant federal and state funds, under appropriate regulations; to include references in the statutes of the department to the Office of Water Resources as a division of the department; and to provide further for certain personnel of the department and the Office of Water Resources.

COMMITTEE ON STATE ADMINISTRATION

By Representative Wren:

H. 517. To add Chapter 4A to Title 37 of the Code of Alabama 1975, to be entitled the "Consumer Choice in Electricity Act of 1996"; to provide that retail wheeling or self-service wheeling of electricity shall be mandatory; to prohibit imposition of penalties on a consumer by an electric supplier; to prohibit imposition of undue costs or burdens on nonwheeling ratepayers; to provide for the authority of the Public Service Commission to eliminate certain capital investment requirements for electric suppliers; to provide that suppliers and utilities not interfere with the implementation of this act; to provide for applications for retail wheeling and self-service wheeling of electricity; to provide for system interconnection; to provide for the authority of the commission to order construction and modification of electric transmission and distribution facilities; to provide for notice to an electric supplier of termination of contract for purchase of electricity; to provide for provision of retail wheeling or self-service wheeling to or from an out-of-state applicant; and to provide for prerequisites for approval of new construction by an electric supplier and for other purposes.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

BILLS ON THIRD READING

And the bill:

H. 32. To propose an amendment to the Constitution of Alabama of 1901, relating to Clay County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments; providing for expenditure and accounting of the funds; providing for the tax to self-destruct upon dissolution of the Clay County Volunteer Fire Department Association; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

as amended and temporarily carried over on the fourth legislative day, was taken up.

SUBSTITUTE OFFERED

Representative Laird offered the following substitute to the bill, H. 32, as amended:

REGULAR SESSION
5th Day

431

A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to the Constitution of Alabama of 1901, relating to Clay County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments and rescue squads; providing for expenditure and accounting of the funds; providing for the tax to self-destruct upon dissolution of the Clay County Volunteer Fire Department Association and the county rescue squads; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

PROPOSED AMENDMENT

The Legislature declares that the fire departments and rescue squads which receive funds pursuant to this amendment are organizations which are public in nature as they promote and protect the health, safety, and welfare of the citizens of the county.

In addition to all other taxes now or hereafter provided by law, there shall be levied and collected in Clay County a special property tax of two mills on each one dollar's worth of taxable property as assessed for the state ad valorem taxation during the preceding year. The proceeds of the additional taxes levied by this amendment shall be used exclusively for fire protection and safety services.

The Revenue Commissioner of Clay County shall assess the tax herein provided for and shall collect the tax in the same manner and method that other ad valorem taxes are collected. The proceeds of the tax shall be paid by the commissioner directly to the Clay County Volunteer Fire Department Association. The proceeds shall be divided by the association among the eligible volunteer fire departments and rescue squads so that the proceeds of the tax collected within the corporate limits of the Cities of Ashland and Lineville shall be allocated proportionately to the volunteer fire departments of those cities and any rescue squads serving those cities, and the proceeds from collections in the unincorporated areas of the county shall be allocated equally among the volunteer fire departments and the rescue squads which serve the unincorporated areas of the county. The rescue squads shall also receive the same percentage of the proceeds distributed proportionately to Ashland and Lineville which the rescue squads receive from the county portion of the proceeds.

An eligible fire department, for purposes of this amendment, means a fire department in Clay County which is a member in good standing with the Clay County Volunteer Fire Department Association according to guidelines established by the Alabama Volunteer Fire Department Association.

An eligible rescue squad for purposes of this amendment, means a rescue squad in Clay County which is in good standing according to guidelines established by the Alabama Association of Rescue Squads.

Funds paid to eligible fire departments and rescue squads shall only be expended for fire protection and safety services including training, supplies, and equipment. The funds may also be expended to purchase liability insurance to insure coverage of acts or omissions which are directly related to the functions of a fire department or rescue squad which are committed by the department or squad or the personnel of a fire department or rescue squad. The funds may not be expended for food, drink, social activities, salaries, or fund-raising activities. After receiving funds, the fire departments and rescue squads shall keep accurate records to verify that the funds were properly expended. By September 15 of each year, the association shall file a financial statement with the Clay County Commission detailing the expenditure of all funds received from this amendment during the previous 12 months. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. No new fire departments or rescue squads shall be funded within Clay County without prior approval of the Clay County Volunteer Fire Department Association.

Upon dissolution or abandonment of any eligible fire department or rescue squad, any remaining funds derived from this amendment or any assets purchased with funds derived from this amendment shall, after all indebtedness has been satisfied, be transferred to the Clay County Volunteer Fire Department Association. The funds and assets shall be reallocated by the association equally to the other fire departments and rescue squads. In the event the association is dissolved, the additional property tax levied under this amendment shall self-destruct and no longer be levied and collected.

The personnel of fire departments and rescue squads provided for in this amendment shall not be considered employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of fire departments or rescue squads.

This amendment shall apply to collections of ad valorem taxes for the 1995-96 tax year and thereafter. The initial provisions of this amendment may hereafter be amended by local legislation which may become effective without referendum approval.

Section 2. An election upon the proposed amendment shall be held at the primary election in June 1996. The election shall be held in accordance with Amendment 555 to the Constitution of Alabama of 1901, and the general election laws of this state.

Section 3. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Relating to Clay County, proposing an amendment to the Constitution of Alabama of 1901, levying a fire protection property tax in Clay County to be used to support the Clay County Volunteer Fire Department Association and certain rescue squad services in the county.

Proposed by Act _____"

This description shall be followed by the following language:

"Yes () No ()."

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 38; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Boyd, Carter, Clouse, Collins, Curry, Dean, Dolbare, Gaines, Gaston, Guin, Haney, Hill, Hinshaw, Hogan, Johnson (R), Knight (A), Laird, Layson, Maull, Millican, Moore, Murphree, Parker (P), Penry, Perdue, Petelos, Pringle, Seibenhener, Smith, Spratt, Thomas (D), Townsend, Turner, Vance and Willis.

-38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 32. To propose an amendment to the Constitution of Alabama of 1901, relating to Clay County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments and rescue squads; providing for expenditure and accounting of the funds; providing for the tax to self-

destruct upon dissolution of the Clay County Volunteer Fire Department Association and the county rescue squads; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Ford, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Hawkins, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Mitchell, Moore, Murphree, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren and Willis.

-68

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Lindsey, the Budget Isolation Resolution relating to the bill, H. 230, was adopted.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Ford, Gaines, Gaston, Guin, Haney, Hawk, Hawkins, Hill, Hilliard, Johnson (E), Johnson (R), Kennedy, Knight (A), Layson, Lindsey, Maull, McClammy, McDaniel, McMillan, Millican, Moore, Morrison, Murphree, Payne, Penry, Perdue, Petelos, Pringle, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren and Willis.

-52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 230. Proposing an amendment to the Constitution of Alabama of 1901, relating to Cherokee County, authorizing the Cherokee County Commission to levy an additional ad valorem tax for fire protection and rescue services.

was taken up.

AMENDMENT OFFERED

Representative Lindsey offered the following amendment to the bill, H. 230:

On page 3, line 6, delete the words: and rescue services

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Curry, Dolbare, Ford, Gaines, Guin, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Johnson (E), Johnson (R), Kennedy, Knight (A), Laird, Lindsey, Maull, McClammy, McDaniel, Millican, Moore, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Warren and Willis.

-53

And the bill:

H. 230. Proposing an amendment to the Constitution of Alabama of 1901, relating to Cherokee County, authorizing the Cherokee County Commission to levy an additional ad valorem tax for fire protection and rescue services.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 65; Nays 0.

Yea:

Representatives Baker, Bandy, Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dolbare, Dukes, Ford, Gaines, Gipson,

Guin, Hammett, Hawk, Hawkins, Hill, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Seibenhener, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

-65

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Guin, the Budget Isolation Resolution relating to the bill, H. 275, was adopted.

Yeas 56; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Boyd, Burke, Carns, Carothers, Clouse, Collins, Curry, Dolbare, Dukes, Gaines, Gaston, Guin, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Maull, McClammy, McDaniel, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Warren and Willis.

-56

Nay:

Representative Gipson.

- 1

And the bill:

H. 275. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901; to grant certain powers and authority to Walker County and each municipality situated wholly therein relating to the acquisition, leasing, sale, and development of industrial sites and industrial park projects; and to specify that actions authorized by this amendment taken subsequent to January 1, 1996, are ratified.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

-70

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Laird, the Budget Isolation Resolution relating to the bill, H. 361, was adopted.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Allen, Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Gaines, Gaston, Graham, Guin, Hamilton, Hawkins, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Maull, McAdory, McClammy, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Parker (P), Payne, Petelos, Pringle, Reed, Rogers (J), Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Vance and Willis.

-56

And the bill:

H. 361. Relating to Randolph County; proposing an amendment to the Constitution of Alabama of 1901; to validate certain laws regulating court costs.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Curry, Dolbare, Dukes, Ford, Gaines, Gaston, Graham, Guin, Hamilton, Hammett, Hawkins, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Maull, McAdory, McClammy, McMillan, Millican, Moore, Morrison, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren and Willis.

-68

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Dolbare, the Budget Isolation Resolution relating to the bill, H. 369, was adopted.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dolbare, Dukes, Ford, Gaines, Graham, Guin, Hamilton, Hawk, Hawkins, Hayden, Hill, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Maull, McAdory, McClammy, McMillan, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (J), Seibenhener, Smith, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

-68

And the bill:

H. 369. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Washington County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system and repealing Act No. 95-319, 1995 Regular Session.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gipson, Graham, Guin, Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Maull, McAdory, McClammy, McMillan, Millican, Mitchell, Moore, Morrison, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Seibenhener, Smith, Spratt, Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

-71

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 445, were temporarily carried over at the request of Representative Morrow.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McAdory, the Budget Isolation Resolution relating to the bill, H. 193, was adopted.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Box, Boyd, Burke, Buskey, Carns, Carter, Clouse, Collins, Curry, Dolbare, Dukes, Gaines, Gipson, Graham, Guin, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Layson, Maull, McAdory, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Rogers (J), Rogers (M), Smith, Spratt, Thomas (D), Turnham, Vance, Venable and Willis.

-59

And the bill:

H. 193. To propose an amendment to the Constitution of Alabama of 1901, to provide that the Legislature, by local act, may provide for the election of the members of the board of education in the City of Bessemer in Jefferson County and may provide further for the operation of the board.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Burke, Buskey, Carns, Carter, Clouse, Collins, Curry, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Gipson, Graham, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Maull, McAdory, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Rogers (J), Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, White and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Allen, the Budget Isolation Resolution relating to the bill, H. 438, was adopted.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Curry, Dean, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Laird, Layson, Maull, McAdory, McClammy, McMillan, Melton, Millican, Moore, Morrison, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable and Willis.

-63

And the bill:

H. 438. Relating to Tuscaloosa County; amending Act No. 328, H. 854, 1959 Regular Session, as amended, which provides for the Firemen's and Policemen's Pension and Relief Fund for the City of Tuscaloosa, to provide further for the depositories into which funds may be placed.

was taken up.

AMENDMENT OFFERED

Representative Allen offered the following amendment to the bill, H. 438:

Amend H. 438, page 1, line 21, after the word "company" by adding the following language: in the State of Alabama

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Layson, Maull, McAdory, McClammy, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

-66

And the bill:

H. 438. Relating to Tuscaloosa County; amending Act No. 328, H. 854, 1959 Regular Session, as amended, which provides for the Firemen's and Policemen's Pension and Relief Fund for the City of Tuscaloosa, to provide further for the depositories into which funds may be placed.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Laird, Layson, McAdory, McClammy, McMillan, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

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RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 165. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the fifth legislative day, Tuesday, February 27, 1996, taking precedence over the regular order of business or any pending or unfinished business. Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id	Page
H. 104 - By Newton (D)	8
Acts of Alabama, 1995 Reg. Sess., codified	
H. 65 - By Johnson (R)	30
Voting machines, discontinuance of by city and co., alt., Sec. 17-9-5 am'd.	
H. 48 - By Townsend	23
Civitan International, distinc. license plates auth., distrib. of funds	
H. 151 - By Sanderson	23
Oil and gas, license fees paid to Revenue Dept. on transaction of 25 gallons or more, alt., Sec. 40-17-174 am'd.	
H. 73 - By Turner	14
Fraud, crime of fraud, estab., penalty	
H. 238 - By Black (M)	13
Legal separation, court may grant decree re, standards, effects, remedy of divorce from bed and board abolished, Secs. 30-2-30, 30-2-31 repealed	

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H. 174 - By Burke **24**

Contracts, payment of cert. taxes due, procedure alt.

H. 223 - By Page **21**

Federally funded employment and training program, priority system for veterans

H. 75 - By Thomas (D) **6**

Juvenile curfew violations, removed from definition of delinquent act, included in definition of child in need of supervision, under cert. conditions, Secs. 12-15-1, 12-15-58 am'd.

H. 83 - By McKee (As Amended) **20**

Alcoholic Beverage Control Bd., Cost of Evidence Fund, incr., Sec. 28-3-55 am'd.

The following bills are not subject to the 10-minute limitation, and are subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id	Page
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H. 385 - By Fuller (As Amended)	35
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Operation of school bus prohibited if person has certain percent of alcohol in blood, Secs. 32-5A-191, 32-5A-194 am'd., Act 95-784, 1995 Reg. Sess. am'd.

H. 381 - By Fuller (As Amended)	36
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Commercial motor vehicles, drivers of testing for DUI req., Sec. 32-6-49.13 am'd.

H. 244 - By Fuller (As Amended and Substituted)	27
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Colleges and Universities, req. to submit a Facilities Master Plan and updated projects to the Alabama Comm. on Higher Ed. for approval, appeal to legis. committee, freeze imposed

H. 248 - By McMillan (As Substituted)	27
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Commission on Higher Education, student unit record data system from institutions of higher ed., req. to estab. and maintain, Sec. 16-5-7 am'd.

H. 247 - By Kennedy (As Substituted) 26

Alabama Commission on Higher Education, required to estab. a faculty database to provide planners information to the Legislature, Sec. 16-5-7 am'd.

H. 246 - By Parker (T) (As Amended and Substituted) 26

Colleges and Universities, Comm. on Higher Ed., standards estab. for viable programs, application, appeal, legis. committee to review, Sec. 16-5-8 am'd.

H. 245 - By Parker (T) (As Amended and Substituted) 25

Colleges and Universities, tuition rates prescribed, nonresident student defined, exceptions, audits

MOTION TO ADOPT

Representative Carter offered the motion to adopt the resolution, H.R. 165.

AMENDMENT OFFERED

Representative Fuller offered the following amendment to the resolution, H.R. 165:

Amend H.R. 165 on Page 3, Line 13, by inserting:

H. 380 - by Fuller

Blood Alcohol/D.U.I. 0.02

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 72; Nays 2.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Burke, Carter, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Laird, Layson, Maull, McAdory, McDaniel, McMillan, Melton, Millican,

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Mitchell, Moore, Morrison, Morton, Murphree, Papucci, Parker (P), Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable and Willis.

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Nay:

Representatives Buskey and McKee.

- 2

RESOLUTION ADOPTED

And the resolution, H.R. 165, as amended, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Newton (D), the Budget Isolation Resolution relating to the bill, H. 104, was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren and Willis.

-79

And the bill:

H. 104. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1995 Regular Session of the Legislature as contained in the 1995 Cumulative Supplement to certain volumes of the Code and in the 1995 Replacement Volumes 11, 12A, 13, and 13A of the Code; to make corrections in certain volumes of the cumulative supplement; to specify that this adoption and incorporation constitutes a continuous systematic codification of the entire Code of Alabama 1975 and that this act is a law that adopts a code; to declare that the Code Publisher has certified it has discharged its duties regarding the replacement volumes; to expressly provide that this act does not affect any 1996 statute; and to specify the duties of the Secretary of State regarding the custody of these cumulative supplements and replacement volumes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, Warren and Willis.

-79

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 65, was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Boyd, Burke, Buskey, Carns, Carothers, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins,

Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Vance, Venable, Warren and Willis.

-77

And the bill:

H. 65. To amend Section 17-9-5, Code of Alabama 1975, relating to voting machines, to authorize a county or city governing body to discontinue the use of voting machines by resolution and to validate certain actions taken by county commissions and municipalities; and to further provide for the payments for the sale or rental of voting machines or equipment to the governmental entity owning the machines.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Burke, Buskey, Carns, Carothers, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

-80

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Townsend, the Budget Isolation Resolution relating to the bill, H. 48, was adopted.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Fuller, Gaines, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable and Willis.

-72

And the bill:

H. 48. Providing for distinctive motor vehicle license tags or plates for supporters of Civitan International; prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham and Vance.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Morton intended to vote "Yea" on passage of the bill, H. 48.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Sanderson, the Budget Isolation Resolution relating to the bill, H. 151, was adopted.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Buskey, Carns, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren and Willis.

-67

And the bill:

H. 151. To amend Section 40-17-174, Code of Alabama 1975, relating to oil license fees, to provide for a one-time collection of the wholesale oil license fee.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Buskey, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren and Willis.

-77

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 73, was adopted.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance and Willis.

-67

And the bill:

H. 73. To provide that a person who devises a scheme to defraud another person and communicates in any way in furtherance of this scheme is guilty of fraud; to provide that criminal fraud would be a Class C felony; to provide that reliance is not a necessary element of the offense; and to provide that puffing would not be an element of criminal fraud.

was taken up.

SUBSTITUTE OFFERED

Representative Turner offered the following substitute to the bill, H. 73:

A BILL
TO BE ENTITLED
AN ACT

To provide that a person who devises a scheme to defraud another person and communicates in any way in furtherance of this scheme is guilty of fraud; to provide that criminal fraud would be a Class C felony; to provide that reliance is not a necessary element of the offense; and to provide that puffing is not criminal fraud as defined by this statute.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. As used in this act, the following words and phrases shall have the following meanings:

(1) **COMMUNICATE.** The transmission or transfer or the causing of the transmission or transfer of signs, signals, writings, images, sounds, data, or intelligence of any nature.

(2) **MEANS OF COMMUNICATION.** The use of the mail, telephone, telegraph, radio, television, newspaper, computer, spoken word, or written word, and other forms of communication.

(3) **PROPERTY.** Anything of value and including the following:

a. **REAL PROPERTY.** Things growing on, affixed to, or found on land.

b. **TANGIBLE OR INTANGIBLE PERSONAL PROPERTY.** Rights, privileges, interests, and claims to personal property.

(4) **PUFFING.** An exaggerated commendation of wares or services. The assignment of qualities to an item which it does not possess or the invention of advantages and false assertions of their existence is not puffing.

Section 2. (a) A person commits the crime of criminal fraud if, with intent to defraud, he or she devises any scheme or artifice to defraud another person or to obtain from another person money, property, or services by means of false or fraudulent pretenses, representation, promises, or material omissions, and who knowingly communicates with any person by any means for the purpose of executing or concealing the scheme or artifice.

(b) Reliance on the part of any person is not a necessary element of criminal fraud.

(c) Puffing is not criminal fraud.

(d) Criminal fraud is a Class C felony.

Section 3. This act shall not be construed to repeal other criminal laws. Whenever conduct prescribed by any provision of this act is also prescribed by any other provision of law, the provision which carries the more serious penalty shall be applied.

Section 4. This act shall be construed and, if necessary, reconstructed to sustain its constitutionality.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance and Willis.

-69

And the bill:

H. 73. To provide that a person who devises a scheme to defraud another person and communicates in any way in furtherance of this scheme is guilty of fraud; to provide that criminal fraud would be a Class C felony; to provide that reliance is not a necessary element of the offense; and to provide that puffing is not criminal fraud as defined by this statute.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, McAdory, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable and Willis.

-78

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Black (M), the Budget Isolation Resolution relating to the bill, H. 238, was adopted.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Buskey, Cams, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, McDaniel, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable and Willis.

-75

And the bill:

H. 238. Authorizing a court to enter a decree of legal separation; providing for the modification or dissolution of the decree; providing for the effects of the decree in regard to certain property interests and a subsequent divorce decree; requiring the best interest of the child standard in certain instances; providing for the levying of court costs, repealing Sections 30-2-30 and 30-2-31 of the Code of Alabama 1975, regarding divorce from bed and board; and providing for a prospective effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, McDaniel, McMillan, Melton, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable and Willis.

-75

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Burke, the Budget Isolation Resolution relating to the bill, H. 174, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Willis and Wren.

-81

And the bill:

H. 174. Relating to general provisions under contracts; to provide that a party to a contract required to reimburse another party for certain federal manufacturer's taxes has an option to time those payments to precede immediately the other party's requirement to remit such taxes to the Internal Revenue Service; to provide for a right to security under contracts for payment of such taxes; and to provide for an effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Willis and Wren.

-76

RECESS

On motion of Representative Hammett, the House recessed until the call of the Chair.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

REPORT FILED

Pursuant to H.J.R. 386, Act No. 95-592, Regular Session of the 1995 Legislature, Representative Johnson (R) and Senator Roger Bedford, Co-Chairmen, submitted the Report of the Medicaid Joint Interim Committee, and the report was ordered filed.

REPORT FILED

Pursuant to Act No. 94-598, Regular Session of the 1994 Legislature, Representative Lesley Vance submitted the 1996 Report of the Alabama Local Government Training Institute for Mr. Robert Crowder, Chairman, and the report was ordered filed.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Page, the Budget Isolation Resolution relating to the bill, H. 223, was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Collins, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Laird, Layson, Lindsey, Maul, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner and Venable.

-74

And the bill:

H. 223. To require every state agency administering a federally funded employment and training program to include in each program a priority system for serving veterans and other eligible persons and to provide for definitions.

was taken up.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 165, the time to debate the bill, H. 223, expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Thomas (D), the Budget Isolation Resolution relating to the bill, H. 75, was adopted.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Burke, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Millican, Moore, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Warren, Willis and Wren.

-70

And the bill:

H. 75. To amend Sections 12-15-1 and 12-15-58 of the Code of Alabama 1975, relating to children in need of supervision; to include the violation of juvenile curfew ordinances in the definition of a child in need of supervision and exclude that violation from the definition of a delinquent act; and to provide that a child being held for the violation of a municipal curfew ordinance be held in a curfew detention facility.

was taken up.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 165, the time to debate the bill, H. 75, expired and the Speaker proceeded to the next bill on the Special Order Calendar.

REPORT FILED

Pursuant to S.J.R. 92, Act No. 95-331, Regular Session of the 1995 Legislature, Mr. Emmett Poundstone, III, Chairman, submitted the Report of the Joint Legislative Study Committee to Evaluate the Needs of People with Disabilities and Their Families, and the report was ordered filed.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 73. To provide that a person who devises a scheme to defraud another person and communicates in any way in furtherance of this scheme is guilty of fraud; to provide that criminal fraud would be a Class C felony; to provide that reliance is not a necessary element of the offense; and to provide that puffing is not criminal fraud as defined by this statute.

TOMMY CARTER
Chairman

And the bill, H. 73, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 438. Relating to Tuscaloosa County; amending Act No. 328, H. 854, 1959 Regular Session, as amended, which provides for the Firemen's and Policemen's Pension and Relief Fund for the City of Tuscaloosa, to provide further for the depositories into which funds may be placed.

TOMMY CARTER
Chairman

And the bill, H. 438, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 230. Proposing an amendment to the Constitution of Alabama of 1901, relating to Cherokee County, authorizing the Cherokee County Commission to levy an additional ad valorem tax for fire protection and rescue services.

TOMMY CARTER
Chairman

And the bill, H. 230, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 32. To propose an amendment to the Constitution of Alabama of 1901, relating to Clay County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments and rescue squads; providing for expenditure and accounting of the funds; providing for the tax to self-destruct upon dissolution of the Clay County Volunteer Fire Department Association and the county rescue squads; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

TOMMY CARTER
Chairman

And the bill, H. 32, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McKee, the Budget Isolation Resolution relating to the bill, H. 83, was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hill,

Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-77

And the bill:

H. 83. (With Amendment): To amend Section 28-3-55, Code of Alabama 1975, which provides for the Cost of Evidence Fund used by the Alcoholic Beverage Control Board, to increase the amount of the fund and expand its use.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend H. 83 on Page 2, Section 1, Line 15, after the word "at" by striking ~~one hundred thousand dollars (\$100,000) or as nearly thereto as possible~~ and inserting in lieu thereof, the following: an amount not to exceed one hundred thousand dollars (\$100,000)

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (R), Knight (A), Knight (J), Laird, Layson, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-78

And the bill:

H. 83. To amend Section 28-3-55, Code of Alabama 1975, which provides for the Cost of Evidence Fund used by the Alcoholic Beverage Control Board, to increase the amount of the fund and expand its use.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-85

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 385, was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Warren and Willis.

-89

And the bill:

H. 385. (With Amendments): To amend Section 32-5A-191 and Section 32-5A-194 of the Code of Alabama 1975, as amended by Act No. 95-784 S. 338, 1995 Regular Session (Acts 1995, p. 1862), relating to driving under the influence of alcohol and drugs; to prohibit the operation of a motor vehicle by a school bus or day care driver while in performance of their duties with .02 percent or more by weight of alcohol in his or her blood; and to provide penalties.

was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 385 as follows: On page 2, line 24 after the word "vehicle" insert the following: "while in performance of his or her duties".

On page 2, line 25 strike "0.2" and insert ".02" in lieu thereof.

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukès, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-92

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 385 as follows: On page 1, line 14 strike the words ".02 percent or more" and insert in lieu thereof "greater than .02 percent".

On page 2, lines 2 and 3 strike the words ".02 percent or more" and insert in lieu thereof "greater than .02 percentage".

On page 2, line 25 strike the words "0.2 percentage or more" and insert in lieu thereof "greater than .02 percentage".

On page 11, lines 2 and 3 strike the words ".02 percent or more" and insert in lieu thereof "greater than .02 percent".

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren and Willis.

-95

And the bill:

H. 385. To amend Section 32-5A-191 and Section 32-5A-194 of the Code of Alabama 1975, as amended by Act No. 95-784 S. 338, 1995 Regular Session (Acts 1995, p. 1862), relating to driving under the influence of alcohol and drugs; to prohibit the operation of a motor vehicle by a school bus or day care driver while in performance of their duties with greater than .02 percentage or more by weight of alcohol in his or her blood; and to provide penalties.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 97; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 385, as amended:

Representatives Allen, Baker, Black (M), Clouse, Collins, Crigler, Dolbare, Dukes, Ford, Gaston, Graham, Guin, Hamilton, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Jorgensen, Layson, Maull, McAdory, Moore, Newton (C), Newton (D), Papucci, Parker (P), Perdue, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Venable, Warren and Willis.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 381, was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-91

And the bill:

H. 381. (With Amendment): To amend Section 32-6-49.13, Code of Alabama 1975, to require that a chemical test be administered if a law enforcement officer has probable cause to believe that a commercial vehicle driver is operating a commercial motor vehicle while having alcohol or drugs in his or her system.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 381 as follows: On page 2, line 22 after the comma insert the following: "technique or procedure approved by the Department of Forensic Sciences, or".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 96; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-96

And the bill:

H. 381. To amend Section 32-6-49.13, Code of Alabama 1975, to require that a chemical test be administered if a law enforcement officer has probable cause to believe that a commercial vehicle driver is operating a commercial motor vehicle while having alcohol or drugs in his or her system.

as amended, was read a third time at length and passed, and ordered engrossed.

**REGULAR SESSION
5th Day**

465

Yeas 97; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 149. MOURNING THE DEATH OF GEANETT WALLACE MORGAN OF PIEDMONT, ALABAMA.

Also:

H.J.R. 150. COMMENDING L.T. AND GEANETT MORGAN UPON THEIR INDUCTION INTO THE "HUDDLE HOUSE HALL OF FAME."

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 98. COMMENDING THE COTTON WAREHOUSE ASSOCIATES OF AVONDALE MILLS, INC., FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 123. CONGRATULATING HOLMAN H. STEPHENS ON HIS 80TH BIRTHDAY.

Also:

H.J.R. 124. RECOGNIZING DR. WILLIAM HILL AS RECIPIENT OF THE COUNTRY DOCTOR OF THE YEAR AWARD.

Also:

H.J.R. 125. CONGRATULATING BRYANT LAYSON AS A MEMBER OF THE 1994 PICKENS ACADEMY PIRATES STATE FOOTBALL CHAMPIONSHIP TEAM.

Also:

H.J.R. 129. MOURNING THE DEATH OF NORRIS KEITH YOUNG.

Also:

H.J.R. 134. MOURNING THE DEATH OF RALPH SEARS.

Also:

H.J.R. 135. COMMENDING THE DEMOPOLIS CITY BOARD OF EDUCATION.

Also:

H.J.R. 136. COMMENDING THE LINDEN CITY BOARD OF EDUCATION.

Also:

H.J.R. 137. COMMENDING THE MARENGO COUNTY BOARD OF EDUCATION.

Also:

H.J.R. 138. COMMENDING THE CONECUH COUNTY BOARD OF EDUCATION.

Also:

H.J.R. 139. COMMENDING THE THOMASVILLE CITY BOARD OF EDUCATION.

Also:

H.J.R. 140. COMMENDING THE CLARKE COUNTY BOARD OF EDUCATION.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 152. CONGRATULATING ABB CARROLL COLE ON HIS 100TH BIRTHDAY.

Also:

H.J.R. 154. COMMEMORATING THE LIFE OF ARTHUR "TARZAN" WHITE.

Also:

H.J.R. 155. CONGRATULATING MARTHA C. KNIGHT AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

Also:

H.J.R. 156. CONGRATULATING KAY WAGGONER TIPTON AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

Also:

H.J.R. 157. CONGRATULATING LARRY P. HAYNES AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

Also:

H.J.R. 159. CONGRATULATING SABINE T. GOETZ AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

Also:

H.J.R. 160. CONGRATULATING GENIE MCMILLAN AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

Also:

H.J.R. 164. HONORING MRS. REBECCA WOODFIN WALKER OF JASPER, ALABAMA, ON THE OCCASION OF HER 100TH BIRTHDAY.

McDOWELL LEE
Secretary

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 83. To amend Section 28-3-55, Code of Alabama 1975, which provides for the Cost of Evidence Fund used by the Alcoholic Beverage Control Board, to increase the amount of the fund and expand its use.

TOMMY CARTER
Chairman

And the bill, H. 83, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 380, was adopted.

Yeas 83; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

Nay:

Representative Hall (A).

- 1

And the bill:

H. 380. (With Amendment): To amend Section 32-5A-191 and Section 32-5A-194 of the Code of Alabama 1975, as amended by Act No. 95-784, S. 338, 1995 Regular Session (Acts 1995, p. 1862), relating to driving under the influence of alcohol and drugs; to prohibit the operation of a motor vehicle by a person under the age of 21 years who has .02 percent or more by weight of alcohol in his or her blood.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 380 on Page 1, line 9 strike the words "more than".

On page 2, line 25 after the word "shall" insert a comma and the words "pursuant to the provisions of this section,".

On page 2, line 25 after the word "suspend" insert the words "or revoke".

On page 3, line 3 after the period insert the following: "All persons, including but not limited to, a juvenile child, or youthful offender, convicted or adjudicated of, or subjected to a finding of delinquency based on the provisions of this section shall be fined pursuant to the provisions of this section, notwithstanding any other law to the contrary"

AMENDMENT TABLED

On motion of Representative Fuller, the committee amendment was tabled.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson,

Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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AMENDMENT OFFERED

Representative Fuller offered the following amendment to the bill, H. 380:

Amend H. 380 on Page 1, line 9 by striking the words "more than".

On page 2, line 25 after the word "shall" insert a comma and the words "pursuant to the provisions of this section,".

On page 2, line 25 after the word "suspend" insert the words "or revoke".

On page 3, line 3 after the period insert the following: "All persons, including, but not limited to, a juvenile, child, or youthful offender, convicted or adjudicated of, or subjected to a finding of delinquency based on, the provisions of this section shall be fined pursuant to the provisions of this section, notwithstanding any other law to the contrary."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 85; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representative Hall (A).

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RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representatives Parker (T), Layson, Allen, Guin, Hayden and Melton:

H.R. 166. COMMENDING FRANKIE THOMAS FOR OUTSTANDING SERVICE TO THE TUSCALOOSA COUNTY BOARD OF EDUCATION.

Also:

By Representatives Parker (T), Layson, Allen, Guin, Hayden and Melton:

H.R. 167. COMMENDING DOT SMITH FOR OUTSTANDING SERVICE TO THE TUSCALOOSA COUNTY BOARD OF EDUCATION.

Also:

By Representatives Parker (T), Layson, Allen, Guin, Hayden and Melton:

H.R. 168. COMMENDING R. MANLY NEIGHBORS FOR OUTSTANDING SERVICE TO THE TUSCALOOSA COUNTY BOARD OF EDUCATION.

Also:

By Representatives Parker (T), Layson, Allen, Guin, Hayden and Melton:

H.R. 169. COMMENDING TOM MYERS FOR OUTSTANDING SERVICE TO THE TUSCALOOSA COUNTY BOARD OF EDUCATION.

Also:

By Representatives Parker (T), Layson, Allen, Guin, Hayden and Melton:

H.R. 170. COMMENDING RICHARD P. HARBIN FOR OUTSTANDING SERVICE TO THE TUSCALOOSA COUNTY BOARD OF EDUCATION.

Also:

By Representatives Parker (T), Layson, Allen, Guin, Hayden and Melton:

H.R. 171. COMMENDING NANCY ASKEW FOR OUTSTANDING SERVICE TO THE TUSCALOOSA COUNTY BOARD OF EDUCATION.

Also:

By Representatives Parker (T), Layson, Allen, Guin, Hayden and Melton:

H.R. 172. COMMENDING PAM GARNER FOR OUTSTANDING SERVICE TO THE TUSCALOOSA COUNTY BOARD OF EDUCATION.

Also:

By Representatives Melton, Allen and Parker (T):

H.R. 173. COMMENDING ARLINGTON FREEMAN ON HIS CAREER ACCOMPLISHMENTS.

Also:

By Representatives Parker (T), Allen and Melton:

H.R. 174. COMMENDING THE CENTRAL OF TUSCALOOSA HIGH SCHOOL FOOTBALL TEAM ON ITS 6-A STATE FOOTBALL CHAMPIONSHIP.

Also:

By Representative Layson:

H.R. 175. COMMENDING DR. THRATH CURRY OF CARROLLTON, ALABAMA.

Also:

By Representative Layson:

H.R. 176. RECOGNIZING CARROLLTON BAPTIST CHURCH IN PICKENS COUNTY, ALABAMA, ON THE OCCASION OF ITS SESQUICENTENNIAL CELEBRATION, MAY 19, 1996.

Also:

By Representative Johnson (E):

H.R. 177. COMMENDING MOTHER ELEANOR M. OWENS OF THE ZION CITY COMMUNITY OF BIRMINGHAM, ALABAMA.

Also:

The following resolution was introduced:

By Representatives Page, Ford, Lindsey and Galliher:

H.J.R. 178. EXPRESSING APPRECIATION TO THE GEORGIA LEGISLATURE FOR REVIEWING THE FORSYTH COUNTY, GEORGIA, SEWAGE DISPOSAL PROPOSAL.

The resolution, H.J.R. 178, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Parker (T), Allen and Melton:

H.J.R. 179. COMMENDING THE CENTRAL OF TUSCALOOSA HIGH SCHOOL FOOTBALL TEAM ON ITS 6-A STATE FOOTBALL CHAMPIONSHIP.

The resolution, H.J.R. 179, was read and referred to the Standing Committee on Rules.

Also:

By Representative Dukes:

H.J.R. 180. COMMENDING THE PARALYZED VETERANS OF AMERICA MID-SOUTH CHAPTER.

The resolution, H.J.R. 180, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Gaston, Dean and Pringle:

H.J.R. 181. COMMENDING H. THOMAS PRAYTOR, III, FOR OUTSTANDING COMMUNITY SERVICE AND PROFESSIONAL ACHIEVEMENT.

The resolution, H.J.R. 181, was read and referred to the Standing Committee on Rules.

Also:

By Representative Layson:

H.J.R. 182. COMMENDING DR. THRATH CURRY OF CARROLLTON, ALABAMA.

The resolution, H.J.R. 182, was read and referred to the Standing Committee on Rules.

Also:

By Representative Layson:

H.J.R. 183. RECOGNIZING CARROLLTON BAPTIST CHURCH IN PICKENS COUNTY, ALABAMA, ON THE OCCASION OF ITS SESQUICENTENNIAL CELEBRATION, MAY 19, 1996.

The resolution, H.J.R. 183, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hawkins:

H.J.R. 184. COMMENDING LOUIS PIZITZ MIDDLE SCHOOL, VESTAVIA HILLS, AS RECIPIENT OF THE NATIONAL BLUE RIBBON OF EXCELLENCE AWARD.

The resolution, H.J.R. 184, was read and referred to the Standing Committee on Rules.

Also:

By Representative Kennedy:

H.J.R. 185. WELCOMING THE DOUBLE OO RIDERS ASSOCIATION OF MICHIGAN TO ALABAMA.

The resolution, H.J.R. 185, was read and referred to the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 385. To amend Section 32-5A-191 and Section 32-5A-194 of the Code of Alabama 1975, as amended by Act No. 95-784 S. 338, 1995 Regular Session (Acts 1995, p. 1862), relating to driving under the influence of alcohol and

drugs; to prohibit the operation of a motor vehicle by a school bus or day care driver while in performance of their duties with greater than .02 percentage or more by weight of alcohol in his or her blood; and to provide penalties.

TOMMY CARTER
Chairman

And the bill, H. 385, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 381. To amend Section 32-6-49.13, Code of Alabama 1975, to require that a chemical test be administered if a law enforcement officer has probable cause to believe that a commercial vehicle driver is operating a commercial motor vehicle while having alcohol or drugs in his or her system.

TOMMY CARTER
Chairman

And the bill, H. 381, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 149. MOURNING THE DEATH OF GEANETT WALLACE MORGAN OF PIEDMONT, ALABAMA.

Also:

H.J.R. 150. COMMENDING L.T. AND GEANETT MORGAN UPON THEIR INDUCTION INTO THE "HUDDLE HOUSE HALL OF FAME."

Also:

H.J.R. 98. COMMENDING THE COTTON WAREHOUSE ASSOCIATES OF AVONDALE MILLS, INC., FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 123. CONGRATULATING HOLMAN H. STEPHENS ON HIS 80TH BIRTHDAY.

Also:

H.J.R. 124. RECOGNIZING DR. WILLIAM HILL AS RECIPIENT OF THE COUNTRY DOCTOR OF THE YEAR AWARD.

Also:

H.J.R. 125. CONGRATULATING BRYANT LAYSON AS A MEMBER OF THE 1994 PICKENS ACADEMY PIRATES STATE FOOTBALL CHAMPIONSHIP TEAM.

Also:

H.J.R. 129. MOURNING THE DEATH OF NORRIS KEITH YOUNG.

Also:

H.J.R. 134. MOURNING THE DEATH OF RALPH SEARS.

Also:

H.J.R. 135. COMMENDING THE DEMOPOLIS CITY BOARD OF EDUCATION.

Also:

H.J.R. 136. COMMENDING THE LINDEN CITY BOARD OF EDUCATION.

Also:

H.J.R. 137. COMMENDING THE MARENGO COUNTY BOARD OF EDUCATION.

Also:

H.J.R. 138. COMMENDING THE CONECUH COUNTY BOARD OF EDUCATION.

Also:

H.J.R. 139. COMMENDING THE THOMASVILLE CITY BOARD OF EDUCATION.

Also:

H.J.R. 140. COMMENDING THE CLARKE COUNTY BOARD OF EDUCATION.

Also:

H.J.R. 152. CONGRATULATING ABB CARROLL COLE ON HIS 100TH BIRTHDAY.

Also:

H.J.R. 154. COMMEMORATING THE LIFE OF ARTHUR "TARZAN" WHITE.

Also:

H.J.R. 155. CONGRATULATING MARTHA C. KNIGHT AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

Also:

H.J.R. 156. CONGRATULATING KAY WAGGONER TIPTON AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

Also:

H.J.R. 157. CONGRATULATING LARRY P. HAYNES AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

Also:

H.J.R. 159. CONGRATULATING SABINE T. GOETZ AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

Also:

H.J.R. 160. CONGRATULATING GENIE MCMILLAN AS RECIPIENT OF THE BIRMINGHAM POST-HERALD DISTINGUISHED TEACHER AWARD.

Also:

H.J.R. 164. HONORING MRS. REBECCA WOODFIN WALKER OF JASPER, ALABAMA, ON THE OCCASION OF HER 100TH BIRTHDAY.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

H. 380 RESUMED

AMENDMENT OFFERED

Representative Guin offered the following amendment #1 to the bill, H. 380, as amended:

On page 3, line 3, add the following additional underlined language: Any person convicted under this subsection shall be given youthful offender status.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maul, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

AMENDMENT OFFERED

Representative Payne offered the following amendment to the bill, H. 380, as amended:

To amend H. 380 on page 3, line 3 by deleting the period and inserting the following: "; however anyone under the age of 21 who violates the provisions of this section, and it is the first offense for this person under the provisions of this section, and his or her blood alcohol level is between .02 and .08 shall be considered to be DUI and shall be given a warning by the law enforcement officer and an official Department of Public Safety notice shall be sent to the individual's parents or legal guardians."

MOTION TO TABLE LOST

The motion offered by Representative Fuller to table the amendment offered by Representative Payne to the bill, H. 380, as amended, was lost.

Yeas 36; Nays 50.

Yea:

Mr. Speaker, Box, Burke, Carter, Collins, Curry, Dean, Dukes, Flowers, Fuller, Galliher, Gaston, Graham, Guin, Hall (L), Hamilton, Hammett, Hawk, Hogan, Johnson (E), Johnson (R), Lindsey, McDaniel, McKee, Murphree, Newton (C), Parker (P), Penry, Petelos, Sanderford, Smith, Turnham, Venable, Warren, White and Willis.

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Nay:

Representatives Bandy, Black (M), Buskey, Carns, Carothers, Clouse, Dolbare, Gaines, Gipson, Hall (A), Haney, Hawkins, Hayden, Hill, Hilliard, Holmes, Houston, Jackson, Jorgensen, Kennedy, Knight (A), Knight (J), Layson, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Newton (D), Page, Papucci, Parker (T), Payne, Pringle, Robinson, Rogers (M), Sanderson, Seibenhener, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance and Wren.

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MOTION TO TABLE LOST

The motion offered by Representative Burke to table the amendment offered by Representative Payne to the bill, H. 380, as amended, was lost.

Yeas 35; Nays 45.

Yea:

Mr. Speaker, Box, Burke, Carter, Collins, Curry, Dean, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Graham, Guin, Hall (L), Hammett, Hogan, Hooper, Johnson (R), Jorgensen, Lindsey, McDaniel, Melton, Minnifield, Murphree, Newton (C), Parker (P), Penry, Petelos, Sanderford, Smith, Turnham, Venable and Willis.

-35

Nay:

Representatives Bandy, Black (M), Boyd, Buskey, Carns, Carothers, Clouse, Gaines, Gipson, Hall (A), Hayden, Hill, Hilliard, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Knight (J), Laird, Layson, McAdory, McMillan, Mitchell, Moore, Morrison, Morrow, Morton, Newton (D), Page, Papucci, Parker (T), Payne, Pringle, Robinson, Rogers (M), Sanderson, Sims, Spratt, Starkey, Thomas (D), Townsend, Turner and Wren.

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AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Representative Payne to the bill, H. 380, as amended, and the amendment was adopted.

Yeas 49; Nays 30.

Yea:

Representatives Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Clouse, Dolbare, Gaines, Hall (A), Hamilton, Haney, Hayden, Hilliard, Holmes, Hooper, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Knight (J), Layson, McAdory, McDaniel, McMillan, Mitchell, Moore, Morrow, Morton, Newton (D), Page, Papucci, Parker (T), Payne, Penry, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Townsend, Turner and Wren.

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Nay:

Mr. Speaker, Burke, Collins, Curry, Dean, Dukes, Ford, Fuller, Galliher, Gaston, Graham, Guin, Hall (L), Hammett, Hawkins, Hill, Hogan, Johnson (R), Jorgensen, McKee, Millican, Minnifield, Murphree, Newton (C), Parker (P), Petelos, Smith, Turnham, Venable and Willis.

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AMENDMENT OFFERED

Representative Guin offered the following amendment #2 to the bill, H. 380, as amended:

On page 3, line 3, add the following additional underlined language: Any person convicted under this subsection shall be given youthful offender status on a first conviction.

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Burke, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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And the bill:

H. 380. To amend Section 32-5A-191 and Section 32-5A-194 of the Code of Alabama 1975, as amended by Act No. 95-784, S. 338, 1995 Regular Session (Acts 1995, p. 1862), relating to driving under the influence of alcohol and drugs; to prohibit the operation of a motor vehicle by a person under the age of 21 years who has .02 percent or more by weight of alcohol in his or her blood.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes,

Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 244, was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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And the bill:

H. 244. (With Substitute) (With Amendment): Requiring public institutions of higher education to submit to the Alabama Commission on Higher Education a Facilities Master Plan and all proposals concerning capital projects; requiring the commission to review and approve these proposals; permitting the appeal of the decision of the commission to a legislative committee; providing for the creation, composition, function, and compensation of the legislative committee; placing a freeze on the inclusion of certain capital projects in the funding formula calculations; and requiring the prioritizing of capital improvement budget requests.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Requiring public institutions of higher education to submit to the Alabama Commission on Higher Education a Facilities Master Plan which shall include all proposals concerning capital projects; requiring the commission to review these proposals; placing a freeze on the inclusion of certain capital projects; and requiring the prioritizing of capital improvement budget requests.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a)(1) Each public two-year and four-year institution of higher education shall submit to the Alabama Commission on Higher Education a Facilities Master Plan. The commission shall review the master plans of each institution and shall make known any concerns and/or recommendations that it may have concerning four-year institutions to its' respective board of trustees or, concerning two-year institutions, to the State Board of Education. This plan shall include the five-year plan of the institution regarding new facility construction and acquisition.

(2) The initial Facilities Master Plan shall be filed with the Alabama Commission on Higher Education prior to January 1, 1997. The plan shall be updated by the institution annually if changes are desired by the institution.

(b) The commission, in consultation with the Council of College and University Presidents and the State Board of Education shall adopt a standard, uniform method of reporting the five-year master plans. This process shall require the commission to notify the institution, the respective boards of trustees and the State Board of Education, within 60 days the findings of its review.

(c) (1) A freeze, effective January 1, 1997, for a period of one year on all new facilities construction and acquisitions of existing facilities shall be imposed on public two-year and four-year institutions of higher education, with the exception of those facilities mandated by the Knight, et al. v. State of Alabama consent decree and court order. Any available or budgeted capital funds may be used to renovate, replace, or restore existing facilities. Any facilities already approved by the appropriate governing board on the effective date of this section are exempt from this subsection.

(2) All capital budget requests made by a public institution of higher education to the Alabama Commission on Higher Education shall be prioritized. Such requests shall also be accompanied by a needs assessment and be included as part of each institution's master plan.

(3) Colleges and universities conducting off-campus offerings on military reservations are exempt from the commission's regulatory review and approval authority for those offerings on the military reservation.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 244 as substituted on page 1 by deleting lines 18-20 and by inserting in lieu thereof: "new facilities construction and acquisitions of existing facilities until January 1, 1998".

Further amend the bill on page 1, line 17 by deleting the word "the".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-95

And the bill:

H. 244. Requiring public institutions of higher education to submit to the Alabama Commission on Higher Education a Facilities Master Plan which shall include all proposals concerning capital projects; requiring the commission to review these proposals; placing a freeze on the inclusion of certain capital projects; and requiring the prioritizing of capital improvement budget requests.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 97; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representative Carter.

- 1

BUDGET ISOLATION RESOLUTION OFFERED

Representative McMillan offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 248.

RESOLUTION

The following resolution was introduced:

By Representatives Page, Ford, Lindsay and Galliher:

H.J.R. 186. EXPRESSING ADAMANT DISAPPROVAL OF THE PROPOSAL OF FORSYTH COUNTY, GEORGIA, TO TRANSFER SEWAGE WATER INTO THE COOSA RIVER BASIN.

The resolution, H.J.R. 186, was read and referred to the Standing Committee on Rules.

MOTION TO ADJOURN LOST

The motion offered by Representative Holmes that the House adjourn until 10:00 o'clock a.m., Thursday, February 29, 1996, was lost.

Yeas 30; Nays 59.

Yea:

Representatives Bandy, Black (L), Boyd, Buskey, Carothers, Dolbare, Graham, Hall (L), Hayden, Hinshaw, Holmes, Houston, Jackson, Johnson (R), Knight (J), Laird, McAdory, McClammy, Millican, Minnifield, Mitchell, Morrow, Page, Papucci, Perdue, Reed, Robinson, Spratt, Starkey and Thomas (J).

-30

Nay:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hooper, Johnson (E), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, McDaniel, McKee, McMillan,

Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Sims, Smith, Thomas (D), Townsend, Turner, Turnham, Venable, White and Willis.

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SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the adoption of the Budget Isolation Resolution offered by Representative McMillan to the bill, H. 248, and the Budget Isolation Resolution was adopted.

Yeas 59; Nays 35.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Burke, Carns, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hamilton, Hammett, Haney, Hawkins, Hill, Hooper, Houston, Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McDaniel, McKee, McMillan, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Venable and Wren.

-59

Nay:

Representatives Baker, Bandy, Black (L), Box, Buskey, Carothers, Drake, Graham, Hall (A), Hall (L), Hayden, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Johnson (E), Johnson (R), Knight (J), McAdory, McClammy, Melton, Millican, Minnifield, Morrow, Page, Parker (P), Perdue, Robinson, Rogers (J), Spratt, Thomas (J), Vance, Warren and Willis.

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RESOLUTIONS

The following resolutions were introduced:

By Representative McKee:

H.J.R. 187. URGING CONGRESS TO ENSURE THAT ALL ARMED FORCES PERSONNEL REMAIN UNDER UNITED STATES COMMAND.

The resolution, H.J.R. 187, was read and referred to the Standing Committee on Rules.

Also:

By Representative McKee:

H.J.R. 188. URGING CONGRESS TO OPPOSE THE UNITED NATIONS DRIVE FOR GLOBAL TAXES.

The resolution, H.J.R. 188, was read and referred to the Standing Committee on Rules.

Also:

By Representative Johnson (R):

H.R. 189. SUPPORTING THE ADOPTION OF THE "RIGHT TO KNOW" MANAGED HEALTH CARE PLAN DISCLOSURE.

The resolution, H.R. 189, was read and referred to the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 244. Requiring public institutions of higher education to submit to the Alabama Commission on Higher Education a Facilities Master Plan which shall include all proposals concerning capital projects; requiring the commission to review these proposals; placing a freeze on the inclusion of certain capital projects; and requiring the prioritizing of capital improvement budget requests.

TOMMY CARTER
Chairman

And the bill, H. 244, as engrossed, was ordered sent to the Senate.

RESOLUTION

The following resolution was introduced:

By Representatives Melton and Parker (T):

H.J.R. 190. EXTENDING THE JOINT LEGISLATIVE COMMITTEE TO EVALUATE THE NEEDS OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES AND EXTENDING THE REPORTING DATE OF THE COMMITTEE.

The resolution, H.J.R. 190, was read and referred to the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:36 P.M. on February 27, 1996.

H.J.R. 96

Delivered to the Governor at 4:25 P.M. on February 27, 1996.

H.J.R. 149

H.J.R. 138

H.J.R. 150

H.J.R. 139

H.J.R. 98

H.J.R. 140

H.J.R. 123

H.J.R. 152

H.J.R. 124

H.J.R. 154

H.J.R. 125

H.J.R. 155

H.J.R. 129

H.J.R. 156

H.J.R. 134

H.J.R. 157

H.J.R. 135

H.J.R. 159

H.J.R. 136

H.J.R. 160

H.J.R. 137

H.J.R. 164

GREG PAPPAS
Clerk**ADJOURNMENT**

On motion of Representative Thomas (J), the House adjourned until 10:00 o'clock a.m., Thursday, February 29, 1996.

Yeas 45; Nays 39.

Yea:

Representatives Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Dolbare, Drake, Graham, Hall (A), Hall (L), Hamilton, Hayden, Hilliard, Hinshaw, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Knight (J), Laird, Layson, Maull, McAdory, McClammy, Melton, Millican, Minnifield, Morrison, Newton (D), Page, Papucci, Payne, Perdue, Reed, Robinson, Seibenhener, Spratt, Thomas (J), Vance, Warren and Willis.

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Nay:

Mr. Speaker, Burke, Clouse, Collins, Crigler, Curry, Dean, Dukes, Gaines, Galliher, Gaston, Gipson, Hammett, Haney, Hawkins, Hogan, Knight (A), Lindsey, McDaniel, McKee, McMillan, Mitchell, Moore, Morton, Murphree, Newton (C), Parker (P), Parker (T), Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Sims, Thomas (D), Turner, Venable and Wren.

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SIXTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, February 29, 1996**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Evangelist Lamar Weaver, Revolution Baptist Church, Atlanta, Georgia.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Erica Basinger, 10th Grade, Hanceville High School, Hanceville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the fifth legislative day was dispensed with.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 191. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the sixth legislative day, Thursday, February 29, 1996, taking precedence over the regular order of business or any pending or unfinished business:

And the Following Bills:

Inst Id	Page
H. 248 - By McMillan (As Substituted)	1
Commission on Higher Education, student unit record data system from institutions of higher ed., req. to estab. and maintain, Sec. 16-5-7 am'd.	
H. 247 - By Kennedy (As Substituted)	23
Alabama Commission on Higher Education, required to estab. a faculty database to provide information to the Legislature, Sec. 16-5-7 am'd.	
H. 246 - By Parker T (As Amended and Substituted)	22
Colleges and Universities, Comm. on Higher Ed., standards estab. for viable programs, application, appeal, legis. committee to review, Sec. 16-5-8 am'd.	

**REGULAR SESSION
6TH Day**

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H. 245 - By Parker T (As Amended and Substituted) 22

Colleges and Universities, tuition rates prescribed, nonresident student defined, exceptions, audits

H. 82 - By Turnham 17

Driver's license, revocation for nonpayment of child support, order by cir. or dist. ct., procedure for Public Safety Dept.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

And the following bills:

Consideration of these bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

Inst Id	Page
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H. 152 - By Sanderson	14
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Traffic signs, or building, damage or defacement, prohib., penalties, Sec. 13A-8-71, 13A-8-72 am'd.

H. 96 - By Lindsey	5
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Boll weevil eradication program, confirmation phase and elimination zone defined, referendum requirements provided, Secs. 2-19-121, 2-19-134 am'd.

H. 10 - By Smith	29
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State employee, estate of deceased, payment of 50 percent of accrued sick leave at death, provided, Sec. 36-26-36 am'd.

H. 135 - By Wren	30
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Deferred comp. plan, tax deferment under state income tax for public employees, same as for federal income tax purposes

H. 184 - By Box 9

Partnership, Uniform Partnership Act with limited liability provided, Secs. 10-8-1 through 10-8-7, 10-8-20, 10-8-21, 10-8-40 through 10-8-56, 10-8-70 through 10-8-73, 10-8-90 through 10-8-103 repealed

H. 29 - By Curry 19

Corrections Dept., escheats procedures relating to funds of inmates

H. 129 - By McMillan 3

Message Therapy, bd. estab., licenses regulated, penalties provided

H. 117 - By Dean 13

Bail, after conviction

On motion of Representative Carter, the resolution, H.R. 191, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

And the bill:

H. 248. (With Substitute): To amend Section 16-5-7 of the Code of Alabama 1975, to require the Alabama Commission on Higher Education to obtain specific information from each two-year and four-year public institution of higher education to establish a student unit record data system.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To amend Section 16-5-7 of the Code of Alabama 1975, to require the Alabama Commission on Higher Education to obtain specific information from each two-year and four-year public institution of higher education to establish a student unit record data system.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-5-7 of the Code of Alabama 1975, is amended to read as follows:

"§16-5-7.

"(a) For the purposes of this section, the following words shall have the following meanings:

"(1) BIOGRAPHICAL AND DEMOGRAPHIC DATA ELEMENTS. Include, but are not limited to, student identification number, sex code, race and ethnic identification code, birth date, country of citizenship, state of geographic origin on entry, matriculation date, and college graduation date.

"(2) CURRENT EDUCATIONAL ACTIVITY DATA ELEMENTS. Include, but are not limited to, student level, major area code, credit hours enrolled, cumulative credit hours attempted, cumulative credit hours earned, cumulative grade point average (GPA), state of current legal residence, residency status, cumulative quality points, veterans' benefits status, housing status, minor/teaching field code, and financial aid status.

"(3) DATA ELEMENTS. Include, but are not limited to, biographical and demographic data, previous educational experience data, and current educational activity data.

"(4) PREVIOUS EDUCATIONAL EXPERIENCE DATA ELEMENTS. Include, but are not limited to, high school graduation date, high school code, high school average, American College Test (ACT) scores, Scholastic Aptitude Tests (SAT), transfer college, transfer hours earned at the undergraduate level, transfer grade point average at the undergraduate level, and admission status.

"(5) RESIDENT/NONRESIDENT STUDENT. In determining resident or nonresident classification, the primary issue is one of intent. If a person is in Alabama primarily for the purpose of obtaining an education, that person shall be considered a nonresident student.

"(6) STUDENT UNIT RECORD. Specific items of information pertaining to individual students enrolled at a public two-year or four-year institution of higher education.

"(7) ELECTRONIC STUDENT UNIT RECORD DATA SYSTEM. The collective student unit records of all public two-year and four-year institutions of higher education.

"(a) (b) The commission, after affording a full opportunity to the two-year and four-year public institutions of higher education and the public to be heard, shall design and establish a state university and college information electronic student unit record system to provide comprehensive, meaningful, and timely information pertinent to the formulation of decisions and recommendations by the commission. The information submitted by the public institutions of higher education shall be in comparable terms that meet the specific format for the student unit records as established by the executive director of the Alabama Commission on Higher Education in complete and full consultation with the chancellor of the Postsecondary Department of Education, and the chairman of the Council of College and University Presidents. and the The reports developed through the system shall conform to the procedures established by the commission. The data elements of a student record shall include, but not be limited to, the following:

"(1) Biographical and demographic data elements.

"(2) Previous educational experience data elements.

"(3) Current educational activity data elements.

"(4) Residency status and whether the student pays tuition as a resident or a nonresident student.

"(b) (c) The commission shall be the state coordinating agency for all data collection requirements of the federal government which require state level coordination and relate to postsecondary education. The commission will shall make every effort to minimize the reporting burden on the institutions by using the existing reports of the federal government.

"(e) (d) The commission shall establish an advisory committee comprised of, but not limited to, representatives of the public institutions of higher education and the State Board of Education to assure that the expertise and concerns of the institutions relative to this section, both individually and collectively, shall be provided to the commission.

"(e) The database shall be configured to possess the capabilities to include:

"(1) The commission shall provide information captured by the student unit record data system to individual high school officials and the State Board of Education concerning the progress made by their respective graduates within the public institutions of higher education in Alabama. Using data captured through the system, the commission shall generate reports to assist legislators, the Governor and educators in informed decision making on education issues.

"(2) Reports on student retention and graduation rates.

"(3) Reports on student transfers across sectors, institutions, and within institutions.

"(4) Reports on the status of out-of-state students.

"(f) The information provided by each institution to the commission pursuant to this section shall be subject to audit by the commission or by the Department of Examiners of Public Accounts.

"(g) The commission shall immediately report to the Legislature the failure of any public institution of higher education to comply with the requirements of this section by means of written notice delivered to the Lieutenant Governor, the Speaker of the House, the Chair of the Senate Committee on Finance and Taxation-Education and the Chair of the House Committee on Ways and Means."

Section 2. The format used to collect student data shall be developed by the executive director of the Alabama Commission on Higher Education in complete and full consultation with the chancellor of the Postsecondary Department of Education, and the chairman of the Council of College and University Presidents.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 67; Nays 13.

Yea:

Mr. Speaker, Allen, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Venable, White, Willis and Wren.

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Nay:

Representatives Baker, Bandy, Hall (L), Hayden, Hilliard, Houston, Jackson, Knight (J), McAdory, McClammy, Minnifield, Page and Perdue.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 380. To amend Section 32-5A-191 and Section 32-5A-194 of the Code of Alabama 1975, as amended by Act No. 95-784, S. 338, 1995 Regular Session (Acts 1995, p. 1862), relating to driving under the influence of alcohol and drugs; to prohibit the operation of a motor vehicle by a person under the age of 21 years who has .02 percent or more by weight of alcohol in his or her blood.

TOMMY CARTER
Chairman

And the bill, H. 380, as engrossed, was ordered sent to the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 126. COMMENDING JACK E. RAVAN FOR HIS OUTSTANDING CONTRIBUTIONS TO THE STATE OF ALABAMA.

Also:

H.J.R. 127. COMMENDING MARY ANN SHEPPARD FOR SERVICE AS PRESIDENT OF THE WOMEN INVOLVED IN FARM ECONOMICS.

Also:

H.J.R. 130. COMMENDING THE MONROE COUNTY BOARD OF EDUCATION.

Also:

H.J.R. 131. MOURNING THE DEATH OF LILLIAN MANNING THOMPSON OF HUNTSVILLE, ALABAMA.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 133. CONGRATULATING MR. AND MRS. ANDREW MCLEOD HAYDEN ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY, JANUARY 4, 1996.

Also:

H.J.R. 141. COMMENDING THE CHOCTAW COUNTY BOARD OF EDUCATION.

Also:

H.J.R. 142. CONGRATULATING MRS. RUTH E. LANING OF THOMASVILLE, ALABAMA, ON THE OCCASION OF HER 100TH BIRTHDAY.

Also:

H.J.R. 143. MOURNING THE DEATH OF JIM DUTTON OF JEMISON, ALABAMA.

McDOWELL LEE
Secretary

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 126. COMMENDING JACK E. RAVAN FOR HIS OUTSTANDING CONTRIBUTIONS TO THE STATE OF ALABAMA.

Also:

H.J.R. 127. COMMENDING MARY ANN SHEPPARD FOR SERVICE AS PRESIDENT OF THE WOMEN INVOLVED IN FARM ECONOMICS.

Also:

H.J.R. 130. COMMENDING THE MONROE COUNTY BOARD OF EDUCATION.

Also:

H.J.R. 131. MOURNING THE DEATH OF LILLIAN MANNING THOMPSON OF HUNTSVILLE, ALABAMA.

Also:

H.J.R. 133. CONGRATULATING MR. AND MRS. ANDREW MCLEOD HAYDEN ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY, JANUARY 4, 1996.

Also:

H.J.R. 141. COMMENDING THE CHOCTAW COUNTY BOARD OF EDUCATION.

Also:

H.J.R. 142. CONGRATULATING MRS. RUTH E. LANING OF THOMASVILLE, ALABAMA, ON THE OCCASION OF HER 100TH BIRTHDAY.

Also:

H.J.R. 143. MOURNING THE DEATH OF JIM DUTTON OF JEMISON, ALABAMA.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REGULAR SESSION
6TH Day

501

H. 248 RESUMED

AMENDMENT OFFERED

Representative McMillan offered the following amendment to the bill, H. 248, as amended:

To amend H. 248 as substituted on page 5 by deleting lines 5 through 7 in their entirety and inserting in lieu thereof the following: "(1) Reports to individual high school officials and the State Board of Education using information captured by the student unit record data base".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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AMENDMENT OFFERED

Representative Perdue offered the following amendment #1 to the bill, H. 248, as amended:

On page 2, line 12, after the language "number" insert the following new language: which shall not be the social security number

On page 2, line 23, after the language "ELEMENTS." delete the following language: Include, but are not limited

On page 2, at the beginning of line 24, delete the language "to, biographical" and insert in lieu thereof: Biographical

On page 3, line 1, after the language "Include," delete the following language: but are not limited to

On page 4, line 9, after the language "include," delete the following language: but not be limited to,

On page 4, line 23, after the language "comprised of" delete the following language by striking through it: , but not be limited to,

AMENDMENT TABLED

On motion of Representative McMillan, the amendment #1 offered by Representative Perdue to the bill, H. 248, as amended, was tabled.

Yeas 57; Nays 29.

Yea:

Mr. Speaker, Allen, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaston, Gipson, Guin, Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Turner, Turnham, Venable, Warren, Willis and Wren.

-57

Nay:

Representatives Baker, Bandy, Black (L), Boyd, Buskey, Clark (W), Hall (A), Hall (L), Hayden, Hilliard, Hinshaw, Houston, Jackson, Kennedy, Knight (J), Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Page, Payne, Perdue, Robinson, Spratt, Thomas (J), Townsend and White.

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MOTION TO CARRY OVER LOST

The motion offered by Representative Minnifield to carry over the bill, H. 248, as amended, to the ninth legislative day was lost.

Yeas 27; Nays 61.

**REGULAR SESSION
6TH Day**

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Yea:

Representatives Baker, Bandy, Black (L), Boyd, Buskey, Clark (W), Drake, Hall (L), Hayden, Houston, Jackson, Kennedy, Knight (J), Maull, McAdory, McClammy, Minnifield, Mitchell, Newton (D), Page, Parker (P), Perdue, Reed, Spratt, Starkey, Thomas (J) and White.

-27

Nay:

Mr. Speaker, Allen, Black (M), Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Knight (A), Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

-61

AMENDMENT OFFERED

Representative Perdue offered the following amendment #2 to the bill, H. 248, as amended:

On page 2, line 12, after the language "number" insert the following new language: which shall not be the social security number

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 69; Nays 13.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Clark (W), Collins, Crigler, Dean, Dolbare, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, Melton, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Perdue, Pringle, Reed, Robinson, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Venable, Warren, White and Willis.

-69

Nay:

Representatives Carns, Clouse, Gaines, Hill, Knight (A), McKee, Penry, Rogers (M), Seibenhener, Smith, Townsend, Turner and Wren.

-13

And the bill:

H. 248. To amend Section 16-5-7 of the Code of Alabama 1975, to require the Alabama Commission on Higher Education to obtain specific information from each two-year and four-year public institution of higher education to establish a student unit record data system.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 85; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

-85

Nay:

Representatives Bandy, Buskey, Johnson (E), Knight (J) and McClammy.

- 5

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Kennedy, the Budget Isolation Resolution relating to the bill, H. 247, was adopted.

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-94

And the bill:

H. 247. (With Substitute): Relating to the Alabama Commission on Higher Education, amending Section 16-5-7 of the Code of Alabama 1975, to require the commission to develop and maintain a unit record database concerning faculty members of institutions of higher education and specifying the purposes for which the data may be used.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

Relating to the Alabama Commission on Higher Education, amending Section 16-5-7 of the Code of Alabama 1975, to require the commission to develop and maintain a unit record database concerning faculty members of institutions of higher education and specifying the purposes for which the data may be used.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Kennedy offered the following substitute to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 247:

A BILL TO BE ENTITLED AN ACT

Relating to public institutions of higher education and the Alabama Commission on Higher Education; amending Section 16-5-7 of the Code of Alabama 1975, to require the commission to establish a uniform electronic faculty unit record system and to provide for the operation of the system.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-5-7, Code of Alabama 1975, is amended to read as follows:

"§16-5-7.

"(a) The commission, after affording a full opportunity to the two-year and four-year public institutions of higher education and the public to be heard, shall design and establish a state university and college information system, to include an electronic faculty unit record system, in order to provide comprehensive, meaningful, and timely information pertinent to the formulation of decisions and recommendations by the commission and the Legislature. The information, including the data components required by the electronic faculty unit record system, submitted by the public institutions of higher education shall be in comparable terms and shall meet the specific requirements as established by the commission and the reports developed through the system shall conform to the procedures established by the commission.

"(b) In order to promote accountability, the commission shall establish a uniform electronic faculty unit record system for the purpose of obtaining information on faculty work loads at two-year and four-year public institutions of higher education in the state. Each two-year and four-year public institution in the state shall report annually to the commission its individual faculty work loads. The commission shall then forward a summary of this information to the Governor and the Legislature. Nothing in this section shall be construed to authorize or permit the commission to set standards or establish policies for public institutions of higher education concerning faculty and staff hiring, promotion, or retention. This authority shall rest solely with the governing board of the institution.

"(b)(c) The commission shall be the state coordinating agency for all data collection requirements of the federal government which require state level coordination and relate to postsecondary education. The commission will shall make every effort to minimize the reporting burden on the institutions by using the existing reports of the federal government.

"(e)(d) The commission shall establish an advisory committee comprised of, but not limited to, representatives of the public institutions of higher education and the State Board of Education to assure that the expertise and concerns of the institutions relative to this section, both individually and collectively, shall be provided to the commission."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Representative Kennedy was adopted.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-95

AMENDMENT OFFERED

Representative Kennedy offered the following amendment to the bill, H. 247, as amended:

On page 3, line 3, after the word "Legislature" insert the following language: and the chair of the Council of College and University Presidents and the State Board of Education

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory,

McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-95

And the bill:

H. 247. Relating to public institutions of higher education and the Alabama Commission on Higher Education; amending Section 16-5-7 of the Code of Alabama 1975, to require the commission to establish a uniform electronic faculty unit record system and to provide for the operation of the system.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-94

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (T), the Budget Isolation Resolution relating to the bill, H. 246, was adopted.

Yeas 91; Nays 1.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-91

Nay:

Representative Drake.

- 1

And the bill:

H. 246. (With Substitute) (With Amendments): To amend Section 16-5-8 of the Code of Alabama 1975, to require the Alabama Commission on Higher Education to establish standards that programs offered by public two-year and four-year institutions of higher education must satisfy; to permit the commission to terminate programs failing to satisfy these standards; to provide for an appeal to a permanent legislative committee; to remove the regulatory exemption granted to certain off-campus offerings; and to provide for the creation, composition, function, and compensation of the legislative committee.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

To amend Section 16-5-8 of the Code of Alabama 1975, to require the Alabama Commission on Higher Education to establish standards that programs offered by public two-year and four-year institutions of higher education must satisfy; to permit the commission to terminate programs failing to satisfy these standards; to provide for an appeal to a permanent legislative committee; and to provide for the creation, composition, function, and compensation of the legislative committee.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Parker (T) offered the following substitute to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 246, and to the pending committee amendments:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 16-5-8 of the Code of Alabama 1975, to require the Alabama Commission on Higher Education to establish standards that programs offered by public two-year and four-year institutions of higher education must satisfy; and to permit the commission to terminate programs failing to satisfy these standards.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-5-8 of the Code of Alabama 1975, is amended to read as follows:

"§16-5-8.

"(a)(1) The Commission on Higher Education is authorized to review periodically all new and existing programs and units of instruction, research, and public service funded by state appropriations at the state universities and colleges and to share with the appropriate governing board, through the president of the institution, and state Legislature, its recommendations.

"(a)(2) As a part of its program review process, the commission shall enforce, monitor, and report on minimum degree productivity standards for all existing programs of instruction at public two-year and four-year institutions of higher education. Productivity standards shall be based, primarily, but not exclusively, on the annual average number of degrees conferred during a five-year period for senior institutions and a three-year period for two-year institutions, as verified by the commission. Minimum productivity standards will vary by degree level. The annual average number of degrees conferred constitutes a productivity standard by which programs shall be deemed viable or non-viable. The data source for degrees awarded per category per institution will be the Integrated Postsecondary Education Data System (IPEDS) annual completions survey. The viability standard annual graduation rates shall be: a diploma, certificate consisting of 45-90 quarter hours; associate or baccalaureate degree program, 7.5 graduates per year; a masters degree program, 3.75 graduates per year; an education specialist degree program, 3 graduates per year; and a doctoral degree program, 2.25 graduates per year. In vocational and technical programs, a student who leaves the program for purposes of gainful employment, in the same field of study as the program, having obtained the skills in said program, shall count as a graduate. It is the responsibility of the institution to document and verify to the

reasonable satisfaction of the Alabama Commission on Higher Education that the student should be counted as a graduate as provided in this section. This documentation shall include the name of the specific employer and the point in said program that student obtained said employment. The commission shall identify non-viable programs and notify the institution in writing of that determination. The institution has three years from the date of that notification to meet the minimum productivity standard. Failure to meet the minimum productivity standard within the three years will result in the phase-out of the identified programs within three years. New programs approved by the commission within two years prior to passage of this act shall not be subject to this subsection for a period of five academic years.

"(a)(3) An institution may request a waiver of the non-viability of a program that does not meet the minimum productivity standard due to the unique and extraordinary characteristics of that program. The request for a waiver must be made in writing to the commission and the justification for the waiver must be documented by the institution. Factors that the commission may consider in a decision to grant the waiver shall include, but not be limited to: the employment and placement of program enrollees in that program-related area of employment; the transfer of program enrollees to other institutions for purposes of educational advancement; the success of program graduates; the lack of duplication of that program in the state; market demands; other unique aspects of the program; and the objectives and requirements of Knight v. Alabama. The commission shall grant or deny the request for the waiver and notify the institution and its respective governing board in writing of that determination.

"(a)(4) The commission shall annually report to the the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the State Board of Education and the Council of College and University Presidents the status of programs determined to be non-viable. This report shall include information for each institution and its respective non-viable program offerings. The annual report shall also list any programs not meeting the minimum standard as set forth in this act which were granted waivers by the commission along with the commission's rational granting the waiver for those programs.

"(b) The commission shall seek through the use of advisory committees to study needless duplication of education, research, or service programs and programs which are not adequately provided in the state, and shall make findings and recommendations to the institutions, the Governor, and the Legislature that would strengthen the total program of higher education in the state.

"(c) The governing boards of public institutions of higher education in this state and the campuses under their governance or supervision shall not undertake the establishment of any new unit or program of instruction for academic credit with state funds before submitting plans for the new unit or program to the commission for its review, evaluation, and approval. No state funds shall be expended by any public institution on any new unit or program of instruction which has not been approved by the commission. Any plan submitted to the commission,

or its staff, and not receiving final action by the commission within 10 months of submission shall be considered approved. The term "new unit of instruction," includes the establishment of a college, school, division or institute, and includes the establishment of any new branch or campus. The term does not include reasonable extensions or alterations of existing curricula, or programs which have a direct relationship to existing programs. The commission may, under its rulemaking power, define the character of the reasonable extensions and alterations.

"(d) The commission shall have the authority to authorize and regulate off-campus offerings, new or existing; except courses taught at business and industrial sites exclusively for employees of said business and industry. An exception to this off-campus authority is provided for the branch campuses of universities or branch campuses of junior colleges in existence at the time of passage of this chapter whose fall 1978 registrations exceeded 500 class enrollments and branch campuses of universities operating prior to 1960. For those branches which began operating since 1960, the commission shall present its recommendation for the continuation or termination of each branch with full findings of fact to the Legislature before a public joint meeting of the Education Committees of the House and Senate no later than the fifth legislative day of the 1981 Regular Session of the Legislature. In making the recommendation, the commission shall not use the ratio of full-time faculty to part-time faculty and/or a requirement to attend the main campus for degree completion as a part of its judgment of the quality of a program or branch campus. The education committee of each house shall report to its respective house with a concurrence or nonconcurrence on each recommendation of the commission. Debate on each recommendation shall be limited to one hour of continuous uninterrupted discussion for each recommendation and at the end of the time, it shall be mandatory that the President of the Senate and the Speaker of the House shall in their respective houses call for a recorded vote. The resolution by simple majority of both houses is required to affirm a commission recommendation. No more than one branch shall be continued or terminated in one resolution.

"(e) The computerized advisement system for students operated by Troy State University which includes a comprehensive undergraduate program and course information for all public two-year and four-year institutions of higher education, existing on March 17, 1994, shall ensure students at each two-year institution accredited by the Southern Association's Commission on Colleges, the opportunity to enter into a contract with a four-year institution guaranteeing the transfer of credit earned for courses taken at the two-year institution pursuant to the terms of the contract provided the student is admitted to the four-year institution. Under this contract, all agreed upon credits transferred from a two-year institution to a four-year institution shall fulfill degree requirements at the four-year institution as if they were earned at the four-year institution. Information regarding this advisement and contracting program shall be included in the official catalog of each institution of higher education. All public two-year and four-year institutions in the state accredited by the Commission on Colleges shall participate in this system.

"In addition, there is created an Articulation and General Studies Committee which shall consist of ten members composed as follows: two representing the state's regional universities, three representing the state's two-year colleges (one of whom shall be black), one representing each of the following: Auburn University, the University of Alabama System, the University of South Alabama, Alabama State University, and Alabama A&M University. The Executive Director of the Alabama Commission on Higher Education and the Director of the computerized advising system operated by Troy State University shall serve as nonvoting members.

"Unless provided by the governing board of the respective institution, the representatives to the Articulation and General Studies Committee shall be selected in the following manner: The presidents of the state's regional universities shall select the two representatives of these institutions on the committee. The State Board of Education shall select the representatives of the state's two-year colleges on the committee. The Chancellor of the University of Alabama System and the Presidents of Auburn University, the University of South Alabama, Alabama State University, and Alabama A&M University shall each select the representative of their institutions on the committee. It is the intent of the Legislature that women be represented on the committee. This committee, utilizing whatever resources and task forces it deems appropriate, shall develop no later than September 1, 1998, a statewide freshman and sophomore level general studies curriculum to be taken at all colleges and universities. Nothing herein shall be interpreted as restricting any institution from requiring additional general studies courses beyond the statewide general studies curriculum.

"This committee shall also develop and adopt no later than September 1, 1999, for the freshman and sophomore years, a statewide articulation agreement for the transfer of credit among all public institutions of higher education. Under this articulation agreement, all applicable credits transferred from a two-year institution to a four-year institution shall fulfill degree requirements at the four-year institution as if they were earned at the four-year institution. The committee shall further examine the need for a uniform course numbering system, course titles, and descriptions.

"A four-fifths vote of the entire voting membership of the committee shall be required for the adoption of the articulation agreement and general studies curriculum. Upon adoption of the articulation agreement and general studies curriculum, this committee shall continue its duty and authority prescribed herein. The committee shall meet at least annually, or at other times as convened by the chair. The committee shall elect annually a chair from its membership. The chair of the committee shall rotate annually between a representative of the four-year institutions and a representative of the two-year institutions.

"In case of problems in the administration or interpretation of the articulation agreement or the general studies curriculum, institutions shall present the problem to the Articulation and General Studies Committee for resolution. A majority decision of the committee shall be final and binding.

"The budget recommendation of the commission shall not include an appropriation for institutions of higher education violating the stipulations of this section.

"(f) Nothing in this or any section, however, shall be construed to prohibit any institution of higher education in this state from seeking and securing by separate bill the approval of the Legislature for any new unit or program of instruction, research, or public service denied approval by the commission, in which case the action of the Legislature, when approved by the Governor or otherwise upon becoming law, is final.

"(g) Colleges and universities conducting off-campus offerings on military reservations are exempt from the commission's regulatory review and approval authority for those offerings on the military reservation."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 81; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White and Willis.

REGULAR SESSION
6TH Day

515

Nay:

Representatives Drake and Morrison.

- 2

And the bill:

H. 246. To amend Section 16-5-8 of the Code of Alabama 1975, to require the Alabama Commission on Higher Education to establish standards that programs offered by public two-year and four-year institutions of higher education must satisfy; and to permit the commission to terminate programs failing to satisfy these standards.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 92; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-92

Nay:

Representative Drake.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (T), the Budget Isolation Resolution relating to the bill, H. 245, was adopted.

Yeas 85; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-85

Nay:

Representative Knight (A).

- 1

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Johnson (E) intended to vote "Yea" on the motion offered by Representative Parker (T) to adopt the Budget Isolation Resolution relating to the bill, H. 245.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 248. To amend Section 16-5-7 of the Code of Alabama 1975, to require the Alabama Commission on Higher Education to obtain specific information from each two-year and four-year public institution of higher education to establish a student unit record data system.

TOMMY CARTER
Chairman

And the bill, H. 248, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 247. Relating to public institutions of higher education and the Alabama Commission on Higher Education; amending Section 16-5-7 of the Code of Alabama 1975, to require the commission to establish a uniform electronic faculty unit record system and to provide for the operation of the system.

TOMMY CARTER
Chairman

And the bill, H. 247, as engrossed, was ordered sent to the Senate.

H. 245 TAKEN UP

And the bill:

H. 245. (With Substitute) (With Amendments): Relating to institutions of higher education; defining a resident student and prescribing tuition rates for nonresident students; providing for exceptions; permitting the application of a more rigorous policy by an institution; and requiring annual audits.

was taken up.

SUBSTITUTE OFFERED

Representative Parker (T) offered the following substitute #1 to the bill, H. 245, and to the pending substitute and amendments reported by the Standing Committee on Ways and Means:

Relating to institutions of higher education; defining a resident student and prescribing tuition rates for nonresident students; providing for exceptions; permitting the application of a more rigorous policy by an institution; and requiring annual audits.

SUBSTITUTE TABLED

On motion of Representative Turner, the substitute #1 offered by Representative Parker (T) to the bill, H. 245, and to the pending committee substitute and amendments was tabled.

Yeas 54; Nays 38.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaston, Graham, Guin, Hall (L), Hamilton, Hawkins, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McClammy, Millican, Moore, Morrison, Newton (D), Page, Payne, Perdue, Pringle, Reed, Rogers (M), Smith, Starkey, Thomas (J), Turner, Turnham, Vance and Warren.

-54

Nay:

Representatives Allen, Burke, Collins, Curry, Gaines, Galliher, Gipson, Hammett, Haney, Hayden, Hill, Hooper, Jackson, Johnson (R), Jorgensen, Knight (A), McAdory, McDaniel, McKee, McMillan, Morton, Murphree, Newton (C), Parker (P), Parker (T), Penry, Petelos, Sanderford, Sanderson, Seibenhener, Sims, Spratt, Thomas (D), Townsend, Venable, White, Willis and Wren.

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SUBSTITUTE OFFERED

Representative Parker (T) offered the following substitute #2 to the bill, H. 245, and to the pending substitute and amendments reported by the Standing Committee on Ways and Means:

A BILL TO BE ENTITLED AN ACT

Relating to institutions of higher education; defining a resident student and prescribing tuition rates for nonresident students; providing for exceptions; permitting the application of a more rigorous policy by an institution; and requiring annual audits.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the purposes of this act, the following terms have the following meanings:

(1) **MINOR.** An individual who, because of age, lacks the capacity to contract under Alabama law. Under current law, this means a single individual under 19 years of age and a married individual under 18 years of age, but

excludes an individual whose disabilities of nonage have been removed by a court of competent jurisdiction for a reason other than establishing a legal residence in Alabama. If current law changes, this definition shall change accordingly.

(2) RESIDENCE. The single location at which a person resides with the intent of remaining in that location indefinitely as evidenced by more substantial connections with that place than with any other place.

(3) RESIDENT. One whose residence is in the State of Alabama.

(4) RESIDENT/NONRESIDENT STUDENT. In determining resident or nonresident classification, the primary issue is one of intent. If a person is in Alabama primarily for the purpose of obtaining an education, that person shall be considered a nonresident student.

(5) SUPPORTING PERSON. Either or both of the parents of the student, if the parents are living together, or if the parents are divorced or living separately, then either the parent having legal custody or, if different, the parent providing the greater amount of financial support. If both parents are deceased or if neither has legal custody, supporting person shall mean, in the following order: the legal custodian of the student, the guardian, and the conservator.

Section 2. For purposes of admission and tuition, a public institution of higher education may consider that the term resident student includes any of the following:

(1) One who, at the time of registration, is not a minor and satisfies one of the following:

a. Is a full-time permanent employee of the institution at which the student is registering or is the spouse of such an employee.

b. Can verify full-time permanent employment within the State of Alabama or is the spouse of such an employee and will commence said employment within 90 days of registration with the institution.

c. Is a member or the spouse of a member of the United States military on full-time active duty stationed in Alabama under orders for duties other than attending school.

d. Is employed as a graduate assistant or fellow by the institution at which the student is registering.

e. Is an accredited member of or the spouse of an accredited member of a consular staff assigned to duties in Alabama.

f. Is, at the time of passage of this act, a student enrolled at a public college or university and who is currently classified as a resident for tuition purposes provided such student maintains continuous enrollment at that institution.

(2) One who, at the time of registration, is a minor and whose supporting person satisfies one of the following:

a. Is a full-time permanent employee of the institution at which the student is registering.

b. Can verify full-time permanent employment within the State of Alabama and will commence said employment within 90 days of registration with the institution.

c. Is a member of the United States military on full-time active duty stationed in Alabama under orders for duties other than attending school.

d. Is an accredited member of a consular staff assigned to duties in Alabama.

Section 3. (a) An individual claiming to be a resident for purposes of this act shall certify by a signed statement each of the following:

(1) A specific address or location within the State of Alabama as his or her residence.

(2) An intention to remain at this address indefinitely.

(3) Possession of more substantial connections with the State of Alabama than with any other state.

(b) Though certification of an address and an intent to remain in the state indefinitely shall be prerequisites to establishing status as a resident, ultimate determination of that status shall be made by the institution by evaluating the presence or absence of connections with the State of Alabama. This evaluation shall include the consideration of all of the following connections.

(1) Consideration of the location of high school graduation.

(2) Payment of Alabama state income taxes as a resident.

(3) Ownership of a residence or other real property in the state and payment of state ad valorem taxes on the residence or property.

(4) Full-time employment in the state.

(5) Residence in the state of a spouse, parents, or children.

(6) Previous periods of residency in the state continuing for one year or more.

(7) Voter registration and voting in the state; more significantly, continuing voter registration in the state that initially occurred at least one year prior to the initial registration of the student in Alabama at a public institution of higher education.

(8) Possession of state or local licenses to do business or practice a profession in the state.

(9) Ownership of personal property in the state, payment of state taxes on the property, and possession of state license plates.

(10) Continuous physical presence in the state for a purpose other than attending school, except for temporary absences for travel, military service, and temporary employment.

(11) Membership in religious, professional, business, civic, or social organizations in the state.

(12) Maintenance in the state of checking and savings accounts, safe deposit boxes, or investment accounts.

(13) In-state address shown on selective service registration, driver's license, automobile title registration, hunting and fishing licenses, insurance policies, stock and bond registrations, last will and testament, annuities, or retirement plans.

Section 4. (a) Each Alabama public institution of higher education shall charge each undergraduate student who is registered as a nonresident a minimum tuition of two times the resident tuition rate charged by that institution. This rate shall be effective for students who register at an institution beginning August 1, 1997. A nonresident graduate student at an institution shall be charged a rate of tuition that is at least at the level of tuition charged to a nonresident undergraduate.

(b) The governing boards of each four-year public institution of higher education and upon the recommendation of the chancellor of the Department of Postsecondary Education and the approval of the State Board of Education shall retain the power to extend resident tuition rates to students who reside in any county within fifty miles of a campus of the institution.

Section 5. A four-year public institution of higher education, at the discretion of its governing board and a two-year public institution of higher education at the discretion of the chancellor of the Department of Postsecondary Education may elect to adopt policies regarding nonresident tuition which are more rigorous than those specified in this act.

Section 6. The out-of-state tuition practices of each institution, and particularly decisions regarding resident and nonresident status and reporting thereof, shall be audited annually by the Alabama Commission on Higher Education or by the Examiners of Public Accounts.

Section 7. The provisions of this act shall not apply to those off-campus offerings on military bases conducted by colleges and universities.

Section 8. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO TABLE LOST

The motion offered by Representative McKee to table the substitute #2 offered by Representative Parker (T) to the bill, H. 245, and to the pending committee substitute and amendments was lost.

Yeas 37; Nays 43.

Yea:

Representatives Allen, Burke, Carns, Curry, Dolbare, Gaines, Galliher, Gipson, Hall (A), Hammett, Hawkins, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), McClammy, McKee, McMillan, Morrison, Morton, Murphree, Newton (C), Parker (P), Parker (T), Penry, Petelos, Reed, Robinson, Sanderson, Sims, Thomas (D), Townsend, Venable and Wren.

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Nay:

Mr. Speaker, Black (L), Black (M), Box, Boyd, Carothers, Carter, Clark (W), Clouse, Crigler, Dean, Drake, Flowers, Ford, Fuller, Gaston, Hall (L), Hayden, Hilliard, Hinshaw, Hogan, Kennedy, Laird, Lindsey, McAdory, Millican, Minnifield, Page, Papucci, Payne, Perdue, Pringle, Rogers (M), Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Warren, White and Willis.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 246. To amend Section 16-5-8 of the Code of Alabama 1975, to require the Alabama Commission on Higher Education to establish standards that programs offered by public two-year and four-year institutions of higher education must satisfy; and to permit the commission to terminate programs failing to satisfy these standards.

TOMMY CARTER
Chairman

And the bill, H. 246, as engrossed, was ordered sent to the Senate.

H. 245 RESUMED

MOTION TO CARRY OVER TABLED

On motion of Representative Turner, the motion offered by Representative Graham to carry over the bill, H. 245, the pending substitute #2 offered by Representative Parker (T) and the pending committee substitute and amendments to the seventh legislative day was tabled.

Yeas 56; Nays 26.

Yea:

Representatives Allen, Black (L), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Hall (L), Hamilton, Hammett, Hawkins, Hayden, Holmes, Hooper, Johnson (E), Kennedy, Knight (A), Knight (J), McAdory, McClammy, McMillan, Moore, Morton, Newton (D), Page, Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderson, Seibenhener, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White and Willis.

-56

Nay:

Mr. Speaker, Burke, Graham, Guin, Hall (A), Hill, Hilliard, Johnson (R), Jorgensen, Laird, Layson, McKee, Millican, Minnifield, Morrison, Newton (C), Parker (P), Perdue, Reed, Robinson, Sims, Smith, Spratt, Starkey, Venable and Wren.

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SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute #2 offered by Representative Parker (T) to the bill, H. 245, and to the pending committee substitute and amendments, and the substitute was adopted.

Yeas 63; Nays 34.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Crigler, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaston, Graham, Guin, Hall (L), Hamilton, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Page, Papucci, Payne, Penry, Perdue, Pringle, Reed, Rogers (M), Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Warren, White and Willis.

-63

Nay:

Representatives Allen, Carns, Collins, Curry, Dolbare, Gaines, Galliher, Gipson, Hall (A), Hammett, Haney, Hawkins, Hooper, Jorgensen, Knight (A), McKee, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Parker (P), Parker (T), Petelos, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Venable and Wren.

-34

AMENDMENT OFFERED

Representative Parker (P) offered the following amendment to the bill, H. 245, as amended:

Amend House Bill 245 on page 1, line 22 after the word "institution" by inserting the following: "; provided, however, those out-of-state students shall not be included in calculations for state funds"

Further amend on page 7 after line 21: "(c) Nonresident students shall not be counted in the number of students nor in credit hour production for the purpose of any formula or calculation for state funding from the Education Trust Fund."

AMENDMENT TABLED

On motion of Representative Parker (T), the amendment offered by Representative Parker (P) to the bill, H. 245, as amended, was tabled.

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Yeas 66; Nays 25.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Clouse, Crigler, Dean, Drake, Dukes, Flowers, Ford, Gaston, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Page, Papucci, Parker (T), Payne, Penry, Perdue, Pringle, Reed, Rogers (M), Sanderford, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Warren, White, Willis and Wren.

-66

Nay:

Representatives Collins, Curry, Dolbare, Gaines, Galliher, Gipson, Hall (A), Hooper, Jorgensen, Knight (A), McKee, Mitchell, Moore, Morton, Murphree, Newton (C), Parker (P), Petelos, Robinson, Sanderson, Seibenhener, Sims, Thomas (D), Townsend and Venable.

-25

SUBSTITUTE OFFERED

Representative Hall (A) offered the following substitute to the bill, H. 245, as amended:

Relating to institutions of higher education; defining a resident student and prescribing tuition rates for nonresident students; providing for exceptions; permitting the application of a more rigorous policy by an institution; and requiring annual audits.

SUBSTITUTE TABLED

On motion of Representative Turner, the substitute offered by Representative Hall (A) to the bill, H. 245, as amended, was tabled.

Yeas 49; Nays 36.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Crigler, Dean, Drake, Flowers, Ford, Gaston, Graham, Hayden, Hill, Hilliard, Jackson, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, Melton, Millican, Minnifield,

Newton (D), Page, Parker (T), Perdue, Pringle, Rogers (M), Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Warren and White.

-49

Nay:

Representatives Collins, Curry, Dolbare, Dukes, Gaines, Galliher, Gipson, Guin, Hall (A), Haney, Hooper, Johnson (R), Jorgensen, McDaniel, McKee, McMillan, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Parker (P), Payne, Penry, Petelos, Reed, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Venable and Wren.

-36

AMENDMENT OFFERED

Representative Curry offered the following amendment to the bill, H. 245, as amended:

Amend House Bill 245 on page 7, line 21 by adding the following language: "Provided, however, that campus must be in existence and operating as of January 1, 1996."

MOTION TO TABLE LOST

The motion offered by Representative Turner to table the amendment offered by Representative Curry to the bill, H. 245, as amended, was lost.

Yeas 45; Nays 45.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carter, Clark (W), Dean, Drake, Dukes, Ford, Gaston, Graham, Hall (L), Hammett, Hawkins, Hayden, Hilliard, Hinshaw, Houston, Jackson, Kennedy, Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, Melton, Millican, Page, Papucci, Payne, Pringle, Reed, Spratt, Starkey, Thomas (J), Turner, Vance, Warren and White.

-45

Nay:

Representatives Allen, Carns, Carothers, Clouse, Collins, Curry, Dolbare, Flowers, Gaines, Galliher, Gipson, Guin, Hall (A), Haney, Hill, Johnson (E), Johnson (R), Jorgensen, Knight (A), McDaniel, McKee, McMillan, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Parker (P), Parker (T), Penry, Perdue, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Venable, Willis and Wren.

-45

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Representative Curry to the bill, H. 245, as amended, and the amendment was adopted.

Yeas 75; Nays 9.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-75

Nay:

Representatives Black (L), Burke, Buskey, Hall (L), Hayden, Houston, Jackson, Mitchell and Page.

- 9

AMENDMENT OFFERED

Representative Venable offered the following amendment to the bill, H. 245, as amended:

Amend Sub to H. 245 on page 7, Section 4, line 21 by adding after the word institution the following: , provided that states within the 50 mile radius offer the same reciprocal agreement to Alabama students.

MOTION TO TABLE LOST

The motion offered by Representative Turner to table the amendment offered by Representative Venable to the bill, H. 245, as amended, was lost.

Yeas 47; Nays 47.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Dean, Drake, Flowers, Ford, Gaston, Graham, Hall (L), Hayden, Hilliard, Hinshaw, Houston, Jackson, Kennedy, Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, Melton, Millican, Minnifield, Newton (D), Page, Perdue, Pringle, Reed, Rogers (M), Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Warren and White.

-47

Nay:

Representatives Allen, Carns, Clark (W), Clouse, Collins, Curry, Dolbare, Dukes, Gaines, Galliher, Gipson, Guin, Hall (A), Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), McDaniel, McKee, McMillan, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Venable, Willis and Wren.

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AMENDMENT TABLED

The question was then on the adoption of the amendment offered by Representative Venable to the bill, H. 245, as amended, and on motion of Representative Turner, the amendment was tabled.

Yeas 44; Nays 42.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Dean, Dukes, Flowers, Ford, Gaston, Graham, Hall (L), Hamilton, Hayden, Hinshaw, Kennedy, Knight (J), Laird, Lindsey, Maull, McClammy, Melton, Millican, Minnifield, Newton (C), Newton (D), Page, Perdue, Pringle, Rogers (M), Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Warren, White and Willis.

-44

Nay:

Representatives Baker, Carns, Clouse, Collins, Curry, Dolbare, Gaines, Galliher, Gipson, Guin, Hall (A), Hammett, Hawkins, Hill, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), McAdory, McDaniel, McKee, McMillan, Mitchell, Moore, Morrison, Morton, Murphree, Parker (P), Payne, Penry, Petelos, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Venable and Wren.

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AMENDMENT OFFERED

Representative Dolbare offered the following amendment to the bill, H. 245, as amended:

Amend House Bill 245 on page 8 after line 10 by inserting the following new section 8 and renumbering:

"Section 8. Any public K-12 school shall recruit and count in average daily membership for state funding purposes students within a fifty mile radius of that school."

AMENDMENT TABLED

On motion of Representative Parker (T), the amendment offered by Representative Dolbare to the bill, H. 245, as amended, was tabled.

Yeas 56; Nays 18.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hamilton, Hammett, Hawkins, Hill, Hilliard, Hogan, Johnson (E), Knight (A), Laird, Layson, Lindsey, McDaniel, Melton, Millican, Morton, Page, Parker (T), Pringle, Rogers (M), Sanderford, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Warren, White, Willis and Wren.

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Nay:

Representatives Dolbare, Gipson, Hall (A), Hooper, Houston, Jorgensen, McAdory, McKee, Mitchell, Morrison, Murphree, Newton (C), Payne, Robinson, Seibenhener, Sims, Townsend and Venable.

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SUBSTITUTE OFFERED

Representative Parker (P) offered the following substitute to the bill, H. 245, as amended:

Relating to institutions of higher education; defining a resident student and prescribing tuition rates for nonresident students; providing for exceptions; permitting the application of a more rigorous policy by an institution; and requiring annual audits.

SUBSTITUTE TABLED

On motion of Representative Parker (T), the substitute offered by Representative Parker (P) to the bill, H. 245, as amended, was tabled.

Yeas 57; Nays 28.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carothers, Collins, Dean, Dukes, Flowers, Ford, Gaston, Graham, Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hooper, Houston, Jackson, Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Newton (C), Page, Parker (T), Penry, Perdue, Pringle, Reed, Rogers (M), Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Venable, Warren and White.

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Nay:

Representatives Carns, Clouse, Dolbare, Gaines, Galliher, Gipson, Guin, Hall (A), Haney, Hogan, Holmes, Jorgensen, Knight (A), McKee, Mitchell, Moore, Morrison, Murphree, Parker (P), Payne, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D) and Townsend.

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AMENDMENT OFFERED

Representative Thomas (D) offered the following amendment to the bill, H. 245, as amended:

On page 8, after line 10, add the following new Section 8 and renumber the remaining sections:

Section 8. Notwithstanding any other provision of this act, any out-of-state student receiving a tuition discount shall be employed within the state of Alabama for minimum of two years following graduation. Any student who is not employed in the state of Alabama for two years following graduation shall repay within two year to the institution the difference between in-state and out-of-state tuition.

AMENDMENT TABLED

On motion of Representative Parker (T), the amendment offered by Representative Thomas (D) to the bill, H. 245, as amended, was tabled.

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Yeas 62; Nays 23.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Curry, Dean, Dukes, Flowers, Ford, Gaston, Graham, Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hinshaw, Holmes, Houston, Jackson, Kennedy, Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, Melton, Millican, Minnifield, Morton, Newton (C), Page, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and White.

-62

Nay:

Representatives Collins, Dolbare, Gaines, Gipson, Guin, Hall (A), Haney, Hill, Hogan, Hooper, Johnson (R), Knight (A), McKee, McMillan, Morrison, Murphree, Parker (P), Robinson, Sanderford, Sanderson, Seibenhener, Sims and Thomas (D).

-23

AMENDMENT OFFERED

Representative Galliher offered the following amendment to the bill, H. 245, as amended:

On page 7, line 21, after the period insert the following language: In addition to the foregoing, any student residing in any county within fifty miles of a campus shall pay a one-time fee to the institution in an amount of \$500.

AMENDMENT TABLED

On motion of Representative Parker (T), the amendment offered by Representative Galliher to the bill, H. 245, as amended, was tabled.

Yeas 38; Nays 37.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Dean, Flowers, Gaston, Graham, Hamilton, Hammett, Hayden, Hinshaw, Houston, Jackson, Kennedy, Knight (J), Laird, McAdory, McClammy, Melton, Millican, Page, Pringle, Rogers (M), Spratt, Starkey, Turner, Turnham, Vance, Warren and White.

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Nay:

Representatives Carns, Clouse, Collins, Dolbare, Dukes, Gaines, Galliher, Gipson, Guin, Hall (A), Hawkins, Hill, Holmes, Johnson (R), Jorgensen, Knight (A), McDaniel, McKee, McMillan, Mitchell, Moore, Morrison, Murphree, Newton (C), Parker (P), Payne, Penry, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Venable and Wren.

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And the bill:

H. 245. Relating to institutions of higher education; defining a resident student and prescribing tuition rates for nonresident students; providing for exceptions; permitting the application of a more rigorous policy by an institution; and requiring annual audits.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 70; Nays 19.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Curry, Dean, Dolbare, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Laird, Layson, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Morton, Page, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (M), Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren and White.

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Nay:

Representatives Collins, Gipson, Hall (A), Holmes, Johnson (R), Jorgensen, Knight (A), McKee, Mitchell, Morrison, Murphree, Newton (C), Parker (P), Robinson, Sanderford, Seibenhener, Sims, Venable and Wren.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Dukes intended to vote "Yea" on passage of the bill, H. 245, as amended.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hammett, the rules were suspended in order to receive reports of the Standing Committees and the call of Districts for the Introduction of Bills and Resolutions.

BILLS ON SECOND READING

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 79. To amend Sections 32-6-230, 32-6-231, 32-6-232, 32-6-233, 32-6-234, 40-12-300, and 40-12-302, Code of Alabama 1975, relating to motor vehicle registration and license tags and placards for handicapped persons; and to establish license fees.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 250. (With Amendments): To create the Alabama Sickle Cell Oversight and Regulatory Commission; to provide for appointment to the commission; and to provide for the powers and duties of the commission.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 334. To make an appropriation of \$56,347 from the State General Fund to the America's Junior Miss Pageant for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

H. 356. Providing for distinctive motor vehicle license tags or plates for supporters of Alabama Ducks Unlimited Conservation wetland programs; prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

H. 374. Relating to the issuance of a special events license to sell alcoholic beverages; amending Section 28-3A-20 of the Code of Alabama 1975, to remove the minimum advance application period.

H. 421. To provide for a home weatherization assistance program; to create the Neighbors Helping Neighbors Fund; and to provide that the Department of Economic and Community Affairs will administer the monies.

H. 503. To provide for the licensing and regulation of blind vendor operations on certain public property.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 27. (With Amendment): To provide for special procedural due process rights for law enforcement officers prior to certain disciplinary actions against the officers.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 296. To amend Section 13A-6-21; to provide that a person who, with intent to cause physical injury and to prevent a peace officer or emergency medical personnel or firefighter from performing a lawful duty, causes physical injury to any person commits assault in the second degree; and to provide that a person who, with intent to cause physical injury to a teacher or other public school employee causes physical injury to any person commits assault in the second degree; and to provide felony penalties.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 205. (With Substitute): Proposing an amendment to the Constitution of Alabama of 1901, authorizing the Birmingham City Council to provide for bingo operations for charitable purposes within the city in Jefferson County except that portion of the city which lies South of the Birmingham Water Works on U. S. Highway 280 or outside of the boundaries of Jefferson County.

The above bill was read a second time at length as required by the Constitution.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 208. To amend Section 12-15-71.1 of the Code of Alabama 1975, relating to serious juvenile offenders; to provide that the juvenile court may, in addition to sentencing a child who is found by the court to be a serious juvenile offender to the Alabama Department of Youth Services, sentence the child to a term of imprisonment in the state penal system to commence after the child reaches the age of majority; and to further provide that the combined sentence imposed on a serious juvenile offender shall not exceed the sentence that would have been imposed if the serious juvenile offender had been an adult.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 428. (With Amendment): To provide a civil remedy for the abatement of drug-related nuisances; to make legislative findings; to define certain terms; to set out adverse impacts of drug-related nuisances, to require notice to owners of property where drug-related nuisances occur; to provide jurisdiction in circuit courts; to provide standing to certain officials and private parties who may institute drug-related nuisance proceedings; to provide for hearings on preliminary injunctions; to provide for ex parte restraining orders, civil penalties, and protection of witnesses; to provide that a drug conviction not be required; to provide for security bonds and limitations thereof; to permit use of evidence of the general reputation of the property of the defendant to prove nuisance to authorize judgments and remedies; to define burden of proof required; to prohibit punitive damages; to set out factors which may be considered in determining existence of a drug nuisance; to provide for punishment for contempt and for violations of court orders; to provide for cancellation of court orders and circumstances therefor; to provide for award of costs and attorney fees for frivolous and bad faith proceedings brought by private parties; and to provide for severability.

H. 226. (With Amendment): To allow a person charged with a non-capital felony offense may plead guilty to an information at any time before indictment; and provide the procedures for entering a plea on an information.

H. 200. (With Amendment): To amend Section 32-6-7 of the Code of Alabama 1975, relating to the issuance of driver's licenses by the Department of Public Safety, to delete that portion of existing law that any person adjudged to be insane, or an idiot, imbecile, epileptic, or feeble-minded shall not be issued a driver's license until restored to competency by judicial judgment, or released from a hospital for the insane or feeble-minded, upon certification by the superintendent or medical director that the person is competent, and the Director of Public Safety or examining officer is satisfied that the person is competent to drive a motor vehicle with safety to persons and property.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 219. To amend Section 15-5-3 of the Code of Alabama 1975, relating to search warrants; and to provide procedures for obtaining a search warrant by means other than a written affidavit.

H. 44. To provide that appeals from death sentence cases and from post conviction writs involving death sentence cases shall be made directly to the Alabama Supreme Court; to amend Sections 12-3-9 and 13A-5-53, Code of Alabama 1975; and to provide that the Alabama Supreme Court shall amend the Alabama Rules of Appellate Procedure to accommodate and reflect the provisions of this act.

H. 263. To amend Section 41-4-150, Code of Alabama 1975; to provide that bound Acts and Journals are to be distributed pursuant to the discretion of the Secretary of State; and to provide a copy for members of the Legislature and to departments, officers, courts, and others.

H. 273. To amend Section 8-6-58, Code of Alabama 1975, relating to personnel of the Alabama Securities Commission, to allow the Director of the Securities Commission to employ such special agents as may be necessary to perform investigatory functions for the commission and to provide for their powers.

H. 144. To amend Section 15-13-3 of the Code of Alabama 1975, relating to persons ineligible for bail; to provide certain persons charged with non-capital felonies may be detained without bail after a hearing; to create a rebuttable presumption that detention is warranted for certain serious felonies; and to provide for judicial review where defendants have been unable to obtain release from custody on bail.

H. 93. To amend Section 31-2-125, Code of Alabama 1975, which prohibits unauthorized military organizations, to include the Alabama Unorganized Militia within the exemptions from the prohibition.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 217. (With Amendment): To provide for the issuing of county permits for palm readers, fortunetellers, clairvoyants, palmists, astrologers, phrenologists, character readers, spirit mediums, absent treatment healers, and other people engaged in similar occupations; and to provide that a permit shall be obtained before a business license may be issued.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 269. To authorize the Alabama National Guard to enter into an interstate compact to assist others in drug interdiction, counter-drug activities, and demand reduction; and to provide for its purposes, member parties, organization, structure, powers, and duties.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 270. (With Amendment): To amend Section 31-2-60 of the Code of Alabama 1975, relating to the military department; to delete references to grade for deputy adjutants general and assistant adjutants general for the Army and Air National Guard.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 400. Amending Section 13A-11-84, Code of Alabama 1975, relating to the disposition of certain pistols seized as and declared contraband to include firearms seized by law enforcement officers; and to further provide for the judge to order the seized firearms disposed of by auction and the disposition of any proceeds therefrom.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 434. (With Amendments): To propose an amendment to the Constitution of Alabama of 1901, to provide that the people may propose the repeal and enactment of laws or constitutional amendments by an initiative or referendum.

The above bill was read a second time at length as required by the Constitution.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 375. To amend Section 41-9-335, Code of Alabama 1975; to increase the membership of the board of trustees of the St. Stephens Historical Commission; to provide that the additional members would be appointed by the Washington County Legislative Delegation and at least one of the new appointees shall be African American; and to provide for the terms of the new appointees.

H. 476. To amend Sections 34-27-6, 34-27-32, 34-27-34, 34-27-35, and 34-27-35.1, Code of Alabama 1975, relating to the Alabama Real Estate Commission, to provide further for the authority of the commission regarding real estate courses; to provide further for reciprocal licensing and proof of minimum instructional hours for licensure as a real estate broker or salesperson and to delete unconstitutional language that requires an applicant for a company or broker license to maintain a place of business within the state; to provide a \$25 fee for certain license changes; to provide inactive status for certain licensees, to provide a hardship postponement, to provide further for continuing education, and to remove the exempt status of licensees age 65 and older.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 256. (With Amendment): To amend Section 32-7-5 of the Code of Alabama 1975, relating to the period of filing forms of reports of motor vehicle accidents under certain conditions by extending the time for an owner reporting a motor vehicle accident when the operator is physically incapable of making the report.

H. 516. (With Amendment): To amend Sections 41-23-1 to 41-23-5, inclusive, and Section 9-10B-7, Code of Alabama 1975, relating to the Alabama Department of Economic and Community Affairs; to clarify the designation of the department; to provide the department with the authority to grant federal and state funds, under appropriate regulations; to include references in the statutes of the department to the Office of Water Resources as a division of the department; and to provide further for certain personnel of the department and the Office of Water Resources.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 508. (With Amendments): To amend Sections 22-21-20, 22-21-26, and 22-21-27, Code of Alabama 1975, to license home health care agencies; to provide for rulemaking review pursuant to the Administrative Procedure Act; and to increase the membership of the licensure advisory board.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 204. (With Substitute): To provide for mandatory hospital and physician data collections; to provide for the Alabama Department of Public Health as the designated agency to compile and analyze the collected data; to provide for the collection of data; to provide for an advisory board; and to provide for the submission of the data.

Representative Laird, Chairperson of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 98. Relating to insurance, to provide further for the regulation of insurance: By amending the standard valuation law, set forth in Section 27-36-7, Code of Alabama 1975, which sets forth the minimum requirements for the valuation of the reserves of life insurers so as to make it substantially similar to the latest version of the model standard valuation law as adopted by the National Association of Insurance Commissioners; by requiring every domestic insurer to file a report with the commissioner disclosing material acquisitions and dispositions of assets and material nonrenewals, cancellations, or revisions of ceded reinsurance agreements, not already required to be submitted to the commissioner, for review, approval, or information purposes pursuant to other insurance laws, regulations, or other requirements; and by setting forth a risk-based capital requirement based on the Risk-Based Capital for Insurers Model Act adopted by the National Association of Insurance Commissioners.

Representative Laird, Chairperson of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 403. (With Substitute) (With Amendment): To require that certain persons employed as insurance agents or brokers of insurance by insurers take continuing education courses; to establish standards for continuing education programs; to provide certain exceptions; to provide for compliance form filing fees and late filing fees to be paid by agents and brokers, education course provider filing and renewal fees, an education course or program approval filing fee, and education course instructor filing fee, and that all of these fees be deposited in the State Treasury to the credit of a fund to be known as the "Insurance Agents and Brokers Continuing Education Fund," created by this act, from which the expenses of operating the Continuing Education Unit and regulatory purposes of the Agents' Licensing Division of the Department of Insurance shall be paid; to provide for appropriating those sums for expenses incurred by the unit; and to provide for balances in the fund to carry forward the first fiscal year after the effective date of this act and thereafter to provide for a percentage of the unencumbered balances in the fund at the end of the fiscal year to revert to the State General Fund.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 486. To require that any Alabama high school student who successfully completes a state-approved advanced placement course and who earns a certain score on the Educational Testing Service Advanced Placement Examination shall be granted, without further examination, a minimum number of semester or quarter hours of undergraduate credit in such a course at any publicly supported institution of postsecondary or higher education in the State of Alabama in which the student enrolls.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 7. (With Substitute) (With Amendment): To provide that any person who is permanently disabled and is otherwise qualified for a special fishing or crossbow hunting license shall not be required to furnish more than the licensed physician's affidavit of permanent disability for the initial issuance of the special fishing or crossbow hunting license.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 359. To propose an amendment to the Constitution of Alabama of 1901, to guarantee the right to hunt and fish in this state in accordance with law and to designate the amendment as the "Sportsperson's Bill of Rights."

The above bill was read a second time at length as required by the Constitution.

H. 372. To authorize a compact to be known as "The Interstate Compact on Agricultural Grain Marketing" to promote and encourage the comprehensive and continuing studies and investigations of agricultural grain marketing practices, procedures, and controls and their relationship to and effect upon the citizens and economies of the member states; to provide for recommendations shall be made for the correction of weaknesses and solutions to problems in the present system of agricultural grain marketing or the development of alternatives to the present system; to provide for membership in the Interstate Agricultural Grain Marketing Commission; and to provide for the organization, structure, financing and the powers and duties of the commission.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 288. (With Amendment): Relating to elections; to create a pilot project for early voting to be administered by the Secretary of State in addition to absentee voting.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 84. (With Substitute) (With Amendment): To amend Sections 17-10-7, 17-10-9, and 17-10-10, Code of Alabama 1975, to provide for modifications to the language which is required to be printed on an absentee ballot envelope; to further prohibit county election officials from counting absentee ballots which are unwitnessed and unnotarized; and to provide for a delayed effective date.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 507. (With Amendment): To require individual voters to present certain identification at the polls as a prerequisite to being authorized to vote and to provide criminal penalties for violations.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 60. Proposing an amendment to Section 46 of the Constitution of Alabama of 1901, relating to the elections and terms of office for state Senators and members of the state House of Representatives, so as to limit the legislative terms.

The above bill was read a second time at length as required by the Constitution.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 404. Repealing Article 6 of Title 7 of the Code of Alabama 1975, commonly referred to as the Bulk Transfers Article of the Uniform Commercial Code.

H. 405. Relating to Title 7 of the Code of Alabama of 1975, the Uniform Commercial Code, to repeal the current Article 8 and provide for a new Article 8 relating to investment securities and to provide for all of the following: short title and general matters, issue and issuer, transfer of certificated and uncertificated securities, registration, security entitlements, transition provisions for revised Article 8 and conforming amendments to Articles 1, 5, 9, and 10, the perfection of a security interest in investment property in multiple state transactions and in certain other investment property, security interest arising in purchase or delivery of financial assets, conforming amendments to the Alabama Business Corporation Act and the General Statute of Frauds, and shares without certificates under the Alabama Business Corporation Act; to amend Sections 7-9-103, 7-9-105, 7-9-106, 7-9-203, 7-9-301, 7-9-302, 7-9-304, 7-9-306, 7-9-309, and 7-9-312 of the Code of Alabama 1975; to add Sections 7-9-115 and 7-9-116 to the Code of Alabama of 1975; to amend 7-1-105, 7-1-201, 7-1-206, 7-5-114, 7-10-104, and 8-9-2 of the Code of Alabama of 1975; to amend Act 94-245, 1994 Regular Session, now appearing as Sections 10-2B-6.26 and 10-2B-6.27, Code of Alabama 1975; and to specify a prospective effective date.

H. 454. To amend Section 22-28-22, Code of Alabama 1975, relating to the Alabama Air Pollution Control Act, to prescribe fines for certain violations of the act.

H. 490. To prohibit the possession, distribution, or use of certain telecommunication devices, plans, or equipment; and to provide criminal penalties and certain civil remedies.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 350. (With Amendments): To amend Article I of Chapter 4 of Title 37 of the Code of Alabama 1975, by adding a new Section 37-4-30 which would empower the Public Service Commission or Circuit Court, as appropriate, to review private contracts for electric services to existing electric customers for the purpose of determining whether the private contract is consistent with the public interest and to require the existing customer to reimburse any utility (which, for purposes of this paragraph, include utilities, utility boards and electric boards) currently providing service to an existing customer seeking to obtain electric service pursuant to a private contract for any economic costs associated with the transfer of the existing electric customer's service; to provide that these economic costs shall comprise all costs resulting from the customer transfer, including, but not limited to, stranded costs; stranded investments; severance damages; surplus generation costs; idled distribution, transmission or generation investments; purchased power

or transmission contract charges or costs, increases in its remaining customer's rates due to reallocation of overhead, fixed costs and additional costs of operation; any other obligations, liabilities or additional costs imposed on the utility as a result of the discontinuance of service to the existing customer; to provide for the use of commissioners in certain instances; to provide for appeals from the Circuit Court to the Supreme Court directly; and to provide for severability.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 430. To amend Sections 11-47-210 to 11-47-219, inclusive, Code of Alabama 1975, which empower municipalities to acquire and manage public parks, playgrounds, and other recreational or athletic facilities and which provide for the formation of authorities to act on behalf of the municipalities in exercising the powers; to provide further for definitions for particular terms relating to certain public corporations and for the types of properties and facilities that are subject to being acquired and managed pursuant to Article 9 of Chapter 47 of Title 11 of the Code of Alabama 1975; to grant to any county the powers granted to municipalities by the article; to provide with more specificity for the procedure to be followed in organizing an authority pursuant to the article; to modify the article respecting the composition of the governing body of the authority and to further define and expand the powers to be enjoyed by the authority; to empower the authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds, and other obligations payable solely out of the revenues, receipts, income, funds, or other sources specified in the proceedings under which the bonds, notes, or other obligations are issued; to authorize the authority to pledge its revenues and mortgage or assign its assets as security for its notes, bonds, or other obligations; to provide for the issuance of refunding bonds, notes, or other obligations by an authority for the purpose of refunding bonds, notes, or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment, or pledge created or made by the authority; to provide that the notes, bonds, and other obligations of the authority shall constitute negotiable instruments; to provide that the notes, bonds, and other obligations of the authority may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the state the property, corporate activities, revenues, and income of the authority, the transactions or actions to which the authority is a party or in which it may be involved, and the notes, bonds, and all other obligations of the authority and the interest on the notes, bonds, and obligations; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to confer upon an authority organized under this act the power of eminent domain; to provide that any county, municipality, or other political subdivision, agency, or instrumentality of the state or any county or municipality may aid and cooperate with the authority, lend or donate money or perform services for the benefit thereof

and, without the necessity of an election, donate, sell, convey, transfer, lease, or grant thereto any property of any kind; to authorize any county or municipality to enter into contracts providing for periodic monetary payments by the county or municipality to the authority, or for its benefit, to serve as a source of payment for notes, bonds, or other obligations of the authority; to specify the extent to which such a contract shall constitute or result in a debt of the county or municipality for purposes of any applicable limitation on indebtedness imposed by the constitution or other laws of the state; to provide that the authority shall be a not-for-profit corporation; to provide that such an authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes, or other obligations by the authority, and to provide that any action or proceeding questioning the validity of the bonds, notes, or other obligations, or instruments securing the same, shall be commenced within 30 days after the first publication of the notice; and to provide that the provisions of this act shall be severable.

H. 56. To provide that county commissions may collect or contract for the collection of local taxes that are authorized to be levied by a general or local act.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 239. (With Amendment): Relating to municipal planning and zoning; to amend Section 11-52-3 of the Code of Alabama 1975, providing for the composition and powers of municipal planning commissions to further provide for the composition of the planning commissions in Class 8 municipalities; prohibiting a member of the planning commission from also serving as a member of the zoning board of adjustment; requiring all members of the planning commission to be residents and qualified electors of the city's planning jurisdiction rather than qualified electors of the city; providing for four-year terms, rather than the current six-year terms, and limiting terms to two consecutive terms; providing further for the removal of members of the planning commission; to amend Section 11-52-8 of the Code of Alabama 1975, relating to the adoption of a master plan for the physical development of a municipality, to change the procedure from master plan to review and provide further for the documentation and contents of the plan; to amend Section 11-52-9 of the Code of Alabama 1975, to delete specific purposes and contents of the preparation of the master plan relating to the environment, traffic, distribution of the population and adequate public utilities, among other requirements, and providing for a comprehensive plan; to amend Sections 11-52-10 and 11-52-11 of the Code of Alabama 1975, relating to procedures for the adoption of the master plan, to require the municipal governing body to formally adopt any plan instead of the planning commission and provide for the commission to make its recommendations to the municipal governing body on the master plan; to amend Section 11-52-30 of the Code of Alabama 1975, to provide that the county engineer shall review a map or plat of a subdivision prior to the recording or sale of property referenced to the map or plat rather than approve the map or plat and to provide that the county commission may under certain

conditions waive the requirement; to amend Section 11-52-32 of the Code of Alabama 1975, relating to the approval or disapproval of the plat by the planning commission and the powers of the planning commission as to subdivision zoning generally, to provide further for the period in which the planning commission may approve or disapprove a plat, the minimum number of affirmative votes for approval by the planning commission, and deleting certain other procedures required of the planning commission for recommendations to the council on amendments to zoning ordinances and maps of the territory within a subdivision; to amend Section 11-52-72 of the Code of Alabama 1975, relating to zoning, to further provide generally for the goals and purposes of zoning ordinances; to amend Section 11-52-80 of the Code of Alabama 1975, relating to the board of adjustment, to delete the power of the chair or acting chair to administer oaths and compel the attendance of witnesses, and providing further for the conditions upon which the board may grant a variance from the terms of an ordinance and providing other technical non-substantive corrections; to provide that certain local laws shall not be affected by this act; to repeal Sections 11-52-50 to 11-52-54, inclusive, Code of Alabama 1975, relating to reservation of lands in subdivisions for future acquisition for streets and the procedures therefor; and to repeal Section 11-52-79 of the Code of Alabama 1975, relating to the power of a municipality or town to appoint a zoning commission.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 410. (With Substitute): To provide an additional alternative procedure for incorporated municipalities to incorporate into their boundaries certain contiguous unincorporated territory upon petition of landowners under certain conditions; to require that certain municipal services be furnished in the area as a condition to the assessment of ad valorem taxation.

Representative Melton, Chairperson of the Standing Committee on Military Affairs, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 78. (With Amendment): To amend Section 36-6-291, Code of Alabama 1975, to provide further for the purchase of distinctive motor vehicle license plates or tags by certain retired military.

Representative Melton, Chairperson of the Standing Committee on Military Affairs, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 291. To amend Section 16-1-25 of the Code of Alabama 1975, relating to access at school facilities by military recruiting representatives, to further provide that representatives of the United States Armed Services be allowed reasonable access at public institutions of higher education in this state for recruitment purposes.

Representative Spratt, Chairperson of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 47. To amend Section 32-1-4 of the Code of Alabama 1975, relating to the circumstances where appearance before a magistrate is not required upon arrest for a traffic offense; to provide that a person arrested for a traffic violation punishable as a misdemeanor would be required to appear before a magistrate in certain cases where the person is not validly licensed or whose identity cannot be established by the arresting officer.

H. 197. To amend Section 32-6-41 and Section 32-6-43, Code of Alabama 1975, to increase the number of doctors serving on the Department of Public Safety Medical Advisory Board; and to clarify that persons affected by licensing decisions of the Alabama Department of Public Safety may obtain copies of reports or records used by the department in making licensing decisions.

Representative Spratt, Chairperson of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 198. (With Amendment): To amend Section 36-33-2 of the Code of Alabama 1975, relating to protection of certain state officials; to clarify who may be furnished protection; and to require that security officers be designated from within the Department of Public Safety.

Representative Spratt, Chairperson of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 397. To amend Section 32-14-5 of the Code of Alabama 1975, to exempt driver improvement schools operated by the American Association of Retired Persons from the Driver Training School License Act.

Representative Spratt, Chairperson of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 489. (With Amendment): Relating to motor vehicles; to provide for the regulation of window tinting of motor vehicles; to provide definitions; to require that material and glazing when applied shall not reduce light transmission through the windshield or windows by certain amounts or increase light reflectance by certain amounts; to provide for certain exceptions and for medical exemptions; to provide for the approval by the Department of Public Safety of material and glazing used for the window tinting of motor vehicles in this state; to provide for labels on windshields and windows under certain conditions; and to provide penalties for violations of this act.

Representative Spratt, Chairperson of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 491. To amend Section 32-5B-6 of the Code of Alabama 1975, relating to the issuance of citations for failure to wear a safety belt while a motor vehicle is in motion; and to repeal Section 32-5B-6 of the Code of Alabama 1975, effective January 1, 1997.

H. 492. Relating to the Rules of the Road; providing for increased penalties for violations within a construction work zone.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 137. Relating to the 17th Judicial Circuit composed of Greene, Marengo, and Sumter Counties; to provide a salary supplement for district and circuit judges.

H. 345. Relating to Lamar County; to provide for the mileage allowance of the coroner.

H. 354. Relating to Morgan County; authorizing the governing bodies of the Cities of Hartselle, Falkville, and Decatur to regulate the operation of bingo games within their respective jurisdictions within the county and providing for penalties.

H. 355. Relating to Etowah County; providing that a retiring officer of the sheriff's department receives as part of his or her retirement benefits, without cost, his or her badge and pistol; and providing for retroactive effect.

H. 429. Proposing an amendment to the Constitution of Alabama of 1901; relating to legalizing certain operations of bingo games for prizes or money for charitable or educational purposes in and the Cities of Hartselle and Falkville and that area of the City of Decatur located within the boundaries of Morgan County.

The above bill was read a second time at length as required by the Constitution.

H. 464. Relating to Limestone County; abolishing the office of constable.

Representative Hill, Chairperson of the Standing Committee on Local Legislation No. 7, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 501. Relating to Shelby County, and particularly School Tax District No. 2 in said County; approving an increase of the three mill district ad valorem school tax levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901, by ten mills to thirteen mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such additional ten mill tax to be levied and collected in said District by the governing body of Shelby County for each year beginning with the levy for the tax year October 1, 1995 to September 30, 1996 (the tax for which year will be due and payable October 1, 1996) and ending with the levy for the tax year October 1, 2016 to September 30, 2017 (the tax for which year will be due and payable October 1, 2017) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of School Tax District No. 2 in Shelby County at an election called and held in accordance with the applicable laws governing such elections.

H. 502. Relating to Shelby County, and particularly School Tax District No. 1 in said County; approving an increase of the three mill district ad valorem school tax levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901, by ten mills to thirteen mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such additional ten mill tax to be levied and collected in said District by the governing body of Shelby County for each year beginning with the levy for the tax year October 1, 1995 to September 30, 1996 (the tax for which year will be due and payable October 1, 1996) and ending with the levy for the tax year October 1, 2016 to September 30, 2017 (the tax for which year will be due and payable October 1, 2017) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of School Tax District No. 1 in Shelby County at an election called and held in accordance with the applicable laws governing such elections.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Clouse:

H. 518. To amend Sections 25-4-8, 25-4-10, 25-4-16, as amended by Act No. 95-311 of the 1995 Regular Session, 25-4-54, as amended by Acts 95-311 and 95-764 of the 1995 Regular Session, 25-4-92, and 25-4-152, Code of

Alabama 1975, to provide further for the definition of employer, the definition of employment, the definition of wages, computation of the desired level of the unemployment compensation fund, appeals tribunals, and the voluntary deduction of federal income tax from unemployment compensation benefits.

COMMITTEE ON BUSINESS AND LABOR

By Representative Newton (D):

H. 519. To require manufacturers or importers of liquor, fortified wine, and brandy to affix to the original containers of these alcoholic beverage products appropriate State of Alabama identification prior to shipment into this state.

COMMITTEE ON JUDICIARY

By Representative Clouse:

H. 520. Relating to the Alabama Emergency Management Act; to amend Sections 31-9-2, 31-9-3, 31-9-4, 31-9-6, 31-9-7, 31-9-8, 31-9-9, 31-9-10, and 31-9-14, Sections 31-9-16 to 31-9-18, inclusive, Sections 31-9-20 to 31-9-22, inclusive, and Section 31-9-24, Code of Alabama 1975, and to add Sections 31-9-5.1, 31-9-5.2, 31-9-5.3, 31-9-5.4, and 31-9-5.5 to the Code of Alabama 1975; to provide further for emergency planning, preparation, and management during emergency and disaster situations, including chemical and other hazardous substance spills or releases; to establish the Alabama Emergency Response Commission to carry out federal law relating to emergency planning and notification of the public of the accidental release of dangerous hazardous materials; to provide further for the powers of the Emergency Management Agency and the Alabama Department of Environmental Management; to provide that each county shall constitute a local emergency planning district and for the establishment of local emergency planning committees in each county and to provide for their powers; to authorize the Governor to enter into the Southern Regional Emergency Management Compact for the coordination and sharing of resources during an emergency or natural disaster; to provide for civil immunity in certain instances; to provide further for civil and criminal penalties for certain violations; to provide further for the continuing annual appropriation for emergency purposes; and to repeal Section 31-9-12 of the Code of Alabama 1975.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Morrison, Mitchell, Boyd, Graham, Newton (D), Hogan, Buskey, Drake, Reed, Houston, Johnson (E), Minnifield, Baker, Hawk, Bandy, Hayden, Melton, Perdue, Clark (W), Knight (J), McClammy, Hall (L), Jackson, and Fuller:

H. 521. To establish the "Alabama Child Nutrition Law"; to require local boards of education to establish school breakfast and lunch programs beginning with the 1996-97 school year; to authorize the State Board of Education to

promulgate rules for the compliance of this act; and to provide for enforcement by the State Superintendent of Education.

COMMITTEE ON EDUCATION

By Representative Baker:

H. 522. To amend Section 28-3-1, Code of Alabama 1975, to provide further for the definition of beer, or malt or brewed beverages.

COMMITTEE ON STATE ADMINISTRATION

By Representative Newton (D):

H. 523. To amend Section 41-16-51 of the Code of Alabama 1975, as amended by Act No. 95-630, 1995 Regular Session, relating to contracts for which competitive bidding is not required, to exempt certain construction contracts from competitive bidding requirements.

COMMITTEE ON STATE ADMINISTRATION

By Representative Turner:

H. 524. To amend Section 9-1-4 of the Code of Alabama 1975, which provides that, unless designated, violations of Title 9 of the Code of Alabama 1975, or of rules and regulations approved by the advisory board of Department of Conservation and Natural Resources are designated as misdemeanors to provide that violations of Title 9 or of rules and regulations of the Commissioner of Conservation and Natural Resources or the advisory board would be designated as Class C misdemeanors, punishable as provided by law.

COMMITTEE ON JUDICIARY

By Representatives Lindsey, Clouse, Hinshaw, Sanderson, Baker, Clark (J), Hammett, McMillan, Penry, Carter, Ford, Turner, Black (M), McDaniel, Morrison, Guin, Murphree, Smith, Jorgensen, Gipson, Gaines, Thomas (D), Haney, Allen, Payne, Townsend, Hawkins, Hooper, Moore, Hogan, Newton (C), Venable, McKee, Layson, Seibenhener, Hall (A), Wren, Curry, Willis, Johnson (E), Millican, Galliher, Sanderford, Graham, Sims, Pringle, Papucci, Crigler, Spratt, Robinson, Melton, Maull, Warren, Carothers, Johnson (R), White, and Laird:

H. 525. To provide for inverse condemnation civil actions as an additional remedy and method of relief for owners of real property in the State the value of which is diminished as a result of State or certain local governmental regulation; to require that the State and its agencies, as well as counties in the State and their agencies, develop and observe certain guidelines in promulgating or implementing regulatory programs so as to minimize the likelihood of inverse condemnation

payments by such governmental units in the State; to provide for a statute of limitations for inverse condemnation actions authorized hereby and for the award of certain costs to plaintiffs; to make provision for repeal and rescission of applicability of regulatory programs in certain situations; to provide for appropriate adjustments to appraised values for ad valorem tax purposes in cases of inverse condemnations payments so made; and to provide an effective date.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Vance (With Notice and Proof):

H. 526. Relating to Russell County; providing for an additional expense allowance and salary for the sheriff, and for the expiration of the expense allowance.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 526, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Buskey, Kennedy, Clark (W), Mitchell, Dean, Crigler, and Pringle:

H. 527. To exempt the Franklin Memorial Clinic, Inc., from municipal gross receipts taxes and municipal business license taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Page, Johnson (R), Dean, Galliher, Millican, Murphree, Carothers, Hall (A), Petelos, Jackson, Dolbare, Boyd, Morrison, Houston, McClammy, Pringle, Warren, Hinshaw, Robinson, Thomas (D), Hill, Burke, and Vance:

H. 528. Providing for certain debit cards or credit cards for students enrolled in public institutions of higher education which may be used to purchase certain merchandise and services.

COMMITTEE ON BANKING

By Representative Black (M):

H. 529. To amend Section 38-9-2, Code of Alabama 1975, the Adult Protective Services Act, to provide further for the definition of a protected person by providing that residence in a nursing home, mental institution, developmental

center for the mentally retarded, or other convalescent care facility creates a presumption that the person is a protected person; and to provide an effective date.

COMMITTEE ON HEALTH

By Representative Black (M):

H. 530. To amend Section 13A-12-27 of the Code of Alabama 1975, relating to the possession of a gambling device, to eliminate the requirement of proof of intent to use the gambling device in the advancement of unlawful gambling activity to be guilty of possession of a gambling device; and to provide for certain exemptions.

COMMITTEE ON JUDICIARY

By Representatives Morrison and Robinson:

H. 531. To make a supplemental appropriation in the amount of \$1,500,000 from the State General Fund in the State Treasury to the Agricultural and Conservation Development Commission for approved poultry dead bird and animal waste disposal for the fiscal year ending September 30, 1996.

COMMITTEE ON WAYS AND MEANS

By Representatives Turner, Galliher, Ford, Wren, Sanderson, Hilliard, Jorgensen, Thomas (D), Hinshaw, Knight (A), Venable, Crigler, Lindsey, Buskey, Layson, Allen, Sims, Flowers, Hawkins, Millican, Dolbare, Parker (T), Warren, Hooper, Gipson, Reed, McKee, Morrison, Page, Maull, Hawk, Graham, Box, Willis, Smith, Houston, Curry, Gaines, Petelos, Spratt, Carter, Papucci, Gaston, Collins, Guin, Johnson (R), Newton (D), Baker, Boyd, Mitchell, Morton, Dean, White, Hamilton, Drake, Melton, Murphree, Dukes, McDaniel, Minnifield, Hall (A), Townsend, McAdory, and Laird:

H. 532. To provide for a salary increase for certain state employees and to appropriate funds therefor for the fiscal years beginning October 1, 1996 and October 1, 1997.

COMMITTEE ON WAYS AND MEANS

By Representatives Houston, McAdory, Johnson (E), Hilliard, Bandy, Newton (D), Townsend, Minnifield, and Perdue:

H. 533. To authorize the mayor of any Class 1, 2, or 3 municipality, subject to budget restraints approved by the governing body, to make cash or non-cash awards in an amount not to exceed \$1,000 to employees of the municipality and to provide a method for selecting employees for exemplary performance or for innovations that significantly reduce costs or result in outstanding improvements in services to the public.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Galliher, Graham, Jorgensen, Hall (A), Smith, Hayden, Parker (P), Guin, Murphree, Spratt, Melton, Hill, Venable, Box, Turnham, Newton (D), Newton (C), Parker (T), Penry, Dean, Pringle, Warren, Lindsey, Johnson (R), Carothers, Millican, Jackson, Vance, Clouse, Gaston, Mitchell, Baker, McKee, Knight (J), McClammy, Dolbare, Sims, Willis, Hogan, Crigler, Buskey, Allen, White, Collins, Seibenhener, Reed, Layson, Sanderson, Dukes, Sanderford, Hawk, Haney, Gipson, Morton, Petelos, and Ford:

H. 534. To amend Section 32-6-10 of the Code of Alabama 1975, to authorize the Department of Public Safety to enter into reciprocal agreements with other countries regarding rights or privileges in the use of drivers' licenses.

COMMITTEE ON HIGHWAY SAFETY

By Representatives Galliher and Ford:

H. 535. To amend Section 25-4-72, Code of Alabama 1975, to increase the maximum amount of weekly unemployment compensation.

COMMITTEE ON INDUSTRIAL DEVELOPMENT
AND ECONOMIC GROWTH

By Representatives Haney, Sanderford, Curry, Petelos, Graham, Hall (L), Gipson, Morton, Hill, Gaines, Thomas (D), Payne, Jorgensen, Hinshaw, Millican, Allen, Townsend, Hawkins, Baker, Minnifield, Dukes, Murphree, Guin, Galliher, Hawk, McKee, Morrison, Spratt, Melton, Robinson, Smith, Rogers (M), Page, Starkey, Ford, McAdory, Houston, Carns, Sanderson, McMillan, Hamilton, Gaston, Dean, Kennedy, Buskey, Crigler, Turner, Penry, Parker (T), Venable, White, Reed, Layson, Collins, Warren, Maull, Boyd, Bandy, Mitchell, Pringle, Vance, Jackson, Hayden, Black (L), Dolbare, Johnson (R), Clouse, Moore, Seibenhener, Knight (J), McClammy, Hogan, Turnham, Newton (D), and Carothers:

H. 536. To amend Section 13A-9-14, Code of Alabama 1975, to expand the definition of credit card for purposes of illegal possession of a credit card or fraudulent use of a credit card to include references to bank credit cards, debit cards, or bank withdrawal transactions, including the use of an account number, to be consistent with the definition of credit card for purposes of fraud by persons authorized to provide goods, money, and services by credit card transactions.

COMMITTEE ON JUDICIARY

By Representative Johnson (R):

H. 537. Relating to criminal procedure and a criminal conviction based upon a plea of nolo contendere; to provide that a criminal conviction based upon a plea of nolo contendere is admissible to the same extent as other criminal convictions;

to provide that the plea is not admissible in civil proceedings to establish liability; and to provide for the unavailability of the plea in criminal proceedings.

COMMITTEE ON JUDICIARY

By Representative Hooper:

H. 538. Providing distinctive motor vehicle license tags or plates for members of the Alabama State Defense Force; providing for the fees for these tags or plates and for the disposition of the fees; and providing for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Venable:

H. 539. Proposing an amendment to the Constitution of Alabama of 1901, to phase-out supernumerary programs for county ad valorem tax officials and to permit their participation in a retirement system.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representative McMillan:

H. 540. To provide further for information to be contained on documents conveying an interest in real property that are offered for recordation in the office of the judge of probate, and to provide for an effective date.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives McMillan, Carter, Dukes, Jorgensen, Newton (C), Mitchell, Melton, and Penry:

H. 541. To amend Section 32-5A-193 of the Code of Alabama 1975, relating to fleeing or attempting to elude a law enforcement officer; to provide for the punishment for the offense; and to provide that the offense would be a Class C felony if the driver commits the offense while operating a motor vehicle 30 miles per hour over the posted speed limit while fleeing or attempting to elude a law enforcement vehicle or law enforcement officer.

COMMITTEE ON JUDICIARY

By Representatives Turnham and McMillan:

H. 542. Relating to public institutions of higher education and the Alabama Commission on Higher Education; to amend Section 16-5-4 of the Code of Alabama 1975; to designate the chief executive officer of the commission as the executive director and remove the requirement that the executive director be confirmed by the Senate every four years.

COMMITTEE ON EDUCATION

By Representatives Johnson (E), Newton (D), Turner, Hooper, Perdue, Minnifield, Guin, Graham, Hall (L), Melton, Murphree, Spratt, Black (M), Burke, Drake, Houston, Page, Hayden, Kennedy, Buskey, Carothers, McMillan, Hammett, Penry, Vance, Dolbare, Black (L), Johnson (R), Millican, Baker, Seibenhener, Moore, Reed, Collins, Turnham, Dean, Boyd, Bandy, Jackson, Mitchell, and Clark (W):

H. 543. To amend Code of Alabama 1975, Sections 16-28-3, 16-28-4, 16-28-6, 16-28-7, 16-28-9, and 16-28-11; to change the mandatory school attendance age for children; and to change the age at which a child may start school.

COMMITTEE ON EDUCATION

By Representatives Hooper, Melton, Baker, Knight (A), Thomas (J), Johnson (E), Hinshaw, Reed, Papucci, Hilliard, Perdue, and Minnifield:

H. 544. To amend Section 28-3-1, Code of Alabama 1975, to provide further for the definition of club.

COMMITTEE ON STATE ADMINISTRATION

By Representatives McDaniel, Clark (J), Hammett, White, Starkey, Vance, Black (L), Lindsey, Laird, Haney, Sanderford, Dukes, Rogers (M), Gipson, Knight (A), Gaines, Burke, and Johnson (E):

H. 545. To amend Sections 36-29A-2 and 36-29A-7 of the Code of Alabama 1975, to provide that the State Employees' Insurance Board shall pay medical costs for Department of Transportation employees injured on the job; to exempt the Alabama Department of Transportation from a certain program under the Division of Risk Management of the Department of Finance; and to provide that the Department of Transportation shall cover its employees for on-the-job death or injury under a certain self-insurance program of the department.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives McDaniel, Clark (J), Hammett, White, Starkey, Morrison, Vance, Black (L), Willis, Hogan, Lindsey, Laird, Haney, Sanderford, Gipson, Knight (A), Johnson (E), and Page:

H. 546. To amend Sections 23-1-271, 23-1-272, 23-1-273, and 23-1-274, as amended by Act 95-566, H. 547, 1995 Regular Session (Acts 1995, p. 1182); 23-1-278, 23-1-279, and 23-1-280 as amended by Act 95-566, H. 547, 1995 Regular Session (Acts 1995, p. 1182), of the Code of Alabama 1975, relating to outdoor signs regulated by the Highway Beautification Act-Outdoor Advertising to provide for the prohibition of signs adjacent to scenic byways; to provide for the spacing of signs allowed by the act; to add the National Highway System to the highways covered by the act; and to convert measurements to metric units.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives McDaniel, Clark (J), Hammett, Starkey, Allen, Hawk, Vance, Black (L), Willis, Hogan, Haney, Sanderford, Dukes, Curry, Galliher, Gipson, Rogers (M), Knight (A), Gaines, and Burke:

H. 547. Relating to motor vehicles; to amend Sections 40-12-290, 40-12-291, 40-12-293, and 40-12-296 of the Code of Alabama 1975; to provide for the issuance of a "vintage vehicle" license plate only for those vehicles operated as a collector's item; to define a vintage vehicle; to prescribe penalties for violating this act; to specify further the design of the plate; and to repeal Section 40-12-295.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives McDaniel, Clark (J), Hammett, White, Starkey, Morrison, Allen, Hawk, Vance, Black (L), Lindsey, Laird, Haney, Sanderford, Dukes, Gipson, Knight (A), Gaines, Burke, Johnson (E), and Page:

H. 548. To amend Sections 23-6-2 and 23-6-8 of the Code of Alabama 1975, to provide for the Alabama Industrial Access Road and Bridge Corporation to use an annual appropriation from the State Public Road and Bridge Fund to assure the availability of funds for the cost of constructing certain industrial access roads and bridges; to provide that no further bonds of the corporation shall be issued after the series 1995 bonds dated August 1, 1995; to provide an annual appropriation of \$11,000,000 from the State Public Road and Bridge Fund of the State Department of Transportation to be used for industrial access roads and bridges projects; and to provide for the effective date of this act.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Gipson:

H. 549. To amend Sections 34-4-6, 34-4-7, 34-4-21, 34-4-27, 34-4-30, and 34-4-50, Code of Alabama 1975, relating to auctioneers; to provide further for sales at auction; membership on the State Board of Auctioneers; to establish the State Auctioneer's Recovery Fund; to remove the bonding requirement; to provide for penalties; and to specifically repeal Sections 8-14-20, 8-14-21, 11-51-97, and 34-4-24 of the Code of Alabama 1975.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Gipson, Hooper, and Flowers:

H. 550. To amend Sections 34-29-63, 34-29-64, 34-29-65, 34-29-66, 34-29-68, 34-29-69, 34-29-70, and 34-29-83, Code of Alabama 1975; to provide for the membership, qualifications, and duties of the Alabama State Board of Veterinary Medical Examiners; to change the name of the executive secretary to executive director; to increase the compensation of the executive director; and provide for an appeal process.

COMMITTEE ON STATE ADMINISTRATION

By Representative McMillan:

H. 551. Relating to public institutions of higher education and the Alabama Commission on Higher Education; amending Section 16-5-8 of the Code of Alabama 1975, to authorize the commission to approve mergers and consolidations; to prohibit public institutions from merging with or acquiring a nonpublic institution or a unit thereof; to prohibit the state from acquiring a nonpublic institution or its assets; and to prohibit a two-year associate degree granting institution from becoming a four-year degree granting institution.

COMMITTEE ON EDUCATION

By Representatives Guin, Morrison, Jorgensen, Black (M), Lindsey, Murphree, McDaniel, Sanderford, Dukes, Galliher, Gipson, Rogers (M), and Gaines:

H. 552. To amend Section 15-18-83 of the Code of Alabama 1975, to provide further that members of the victim's immediate family may be present at an execution.

COMMITTEE ON JUDICIARY

By Representatives Jorgensen, Melton, Sims, Hogan, Rogers (M), Dolbare, Mitchell, Minnifield, Haney, Spratt, Houston, McAdory, Payne, Johnson (R), Newton (C), Parker (T), Reed, Vance, Jackson, Hayden, and Black (M):

H. 553. Relating to the operation of motor vehicles; requiring, as a condition of registration and licensing a motor vehicle, and applying for a driver's license, proof of a motor vehicle liability insurance policy, in force, from an approved insurance company, or certain other financial responsibility; setting the minimum limits and policy coverage; providing penalties for violations; providing for an assigned risk plan for persons classified as high risks; providing for an effective date; and providing for certain exceptions.

COMMITTEE ON HIGHWAY SAFETY

By Representative Burke (With Notice and Proof):

H. 554. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Ider in Dekalb County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 554, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representatives Sanderford, Haney, Hall (A), Papucci, Jorgensen, Hall (L) and Hinshaw:

H.R. 192. MOURNING THE DEATH OF WILLIS MOORE OF HUNTSVILLE, ALABAMA.

Also:

By Representative Carns:

H.R. 193. COMMENDING DIRECTOR GENERAL STANLEY KAO FOR HIS OUTSTANDING SERVICE TO THE PEOPLE OF TAIPEI.

Also:

By Representative Page:

H.R. 194. MOURNING THE DEATH OF LOLA B. SANFORD OF BOAZ, ALABAMA.

Also:

The following resolution was introduced:

By Representative Robinson:

H.R. 195. REQUESTING THE DEPARTMENT OF TRANSPORTATION TO ALLOW THE USE OF THE TUNNEL PASSAGE UNDER HIGHWAY 72 BY RIVERMONT TRAIL HIKERS.

The resolution, H.R. 195, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Hammett:

H.R. 196. MOURNING THE DEATH OF JAMES M. PRESTWOOD OF ANDALUSIA, ALABAMA.

Also:

By Representative Layson:

H.R. 197. COMMENDING HAROLD AND CAROLYN DAVIS FOR THEIR MANY YEARS OF FAITHFUL SERVICE TO THE GORDO COMMUNITY.

Also:

By Representative Houston:

H.R. 198. RECOGNIZING FRANK JACKSON, JR., FOR HIS OUTSTANDING PROFESSIONAL CAREER.

Also:

By Representative Hall (L):

H.R. 199. COMMENDING DOROTHY A. HOLLIS ON HER OUTSTANDING CAREER ACCOMPLISHMENTS.

Also:

By Representatives Sanderford, Haney, Papucci and Jorgensen:

H.R. 200. MOURNING THE DEATH OF COLONEL DONALD H. JERSEY.

Also:

The following resolutions were introduced:

By Representatives Sanderford, Haney, Papucci and Jorgensen:

H.J.R. 201. MOURNING THE DEATH OF COLONEL DONALD H. JERSEY.

The resolution, H.J.R. 201, was read and referred to the Standing Committee on Rules.

Also:

By Representative Page:

H.J.R. 202. MOURNING THE DEATH OF LOLA B. SANFORD OF BOAZ, ALABAMA.

The resolution, H.J.R. 202, was read and referred to the Standing Committee on Rules.

Also:

By Representatives White, Melton, Turner, Warren, Buskey, Knight (J) and Mitchell:

H.J.R. 203. CONDEMNING THE ATTACK UPON JUDGE EDDIE HARDAWAY'S HOME AND CALLING UPON GOVERNOR JAMES AND PUBLIC SAFETY DIRECTOR MITCHELL TO USE EVERY AVAILABLE RESOURCE TO APPREHEND THE ASSAILANTS.

The resolution, H.J.R. 203, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Morrison and Drake:

H.J.R. 204. COMMENDING NATHAN HOLCOMB OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

The resolution, H.J.R. 204, was read and referred to the Standing Committee on Rules.

Also:

By Representative Jackson:

H.J.R. 205. COMMENDING LAVARRIE HARBIN OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

The resolution, H.J.R. 205, was read and referred to the Standing Committee on Rules.

Also:

By Representative Jackson:

H.J.R. 206. COMMENDING WILLIE J. SLATER, ASSISTANT COACH, OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

The resolution, H.J.R. 206, was read and referred to the Standing Committee on Rules.

Also:

By Representative Jackson:

H.J.R. 207. COMMENDING REGINALD REFFIN OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

The resolution, H.J.R. 207, was read and referred to the Standing Committee on Rules.

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Also:

By Representative Sanderford, Haney, Hall (A), Papucci, Jorgensen, Hall (L) and Hinshaw:

H.J.R. 208. MOURNING THE DEATH OF WILLIS MOORE OF HUNTSVILLE, ALABAMA.

The resolution, H.J.R. 208, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Rogers (J) and Johnson (E):

H.J.R. 209. COMMENDING THE REVEREND PHILLIP V. RUSHING FOR DEDICATED CHRISTIAN SERVICE.

The resolution, H.J.R. 209, was read and referred to the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:05 P.M. on February 29, 1996.

H.J.R. 126

H.J.R. 127

H.J.R. 130

H.J.R. 131

H.J.R. 133

H.J.R. 141

H.J.R. 142

H.J.R. 143

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Hammett, the House adjourned until 5:00 o'clock p.m., Tuesday, March 5, 1996.

**REGULAR SESSION
7th Day**

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SEVENTH DAY

**House of Representatives
Montgomery, Alabama
Tuesday, March 5, 1996**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Robert Smith, New Covenant Church, Newton, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Amber Steed, 11th Grade, White Plains High School, Anniston, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the sixth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the sixth legislative day was dispensed with.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 1:00 o'clock p.m. on Wednesday, March 6, 1996, and the motion was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 10. COMMENDING CHARLES MCDONALD FOR 25 YEARS OF OUTSTANDING SERVICE WITH THE ALABAMA RETAIL ASSOCIATION.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 10.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 13. COMMENDING THE ALABAMA FEDERATION OF WOMEN'S CLUBS FOR 100 YEARS OF SERVICE TO ALABAMA CITIZENS.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 13.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 16. MOURNING THE DEATH OF HOVEY CROMER OF ALEXANDER CITY, ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 16.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 23. MOURNING THE DEATH OF RALPH W. SEARS.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 23.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 26. CONGRATULATING PIZITZ MIDDLE SCHOOL OF VESTAVIA HILLS, ALABAMA, AS RECIPIENT OF THE NATIONAL BLUE RIBBON SCHOOL OF EXCELLENCE AWARD.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 26.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 27. COMMENDING JAMES D. ELROD FOR OUTSTANDING SERVICE AS LEGISLATIVE DIRECTOR OF THE UNITED TRANSPORTATION UNION FOR THE STATE OF ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 27.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 30. DESIGNATING THE RALPH W. SEARS MEMORIAL HIGHWAY.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 30.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 34. COMMENDING DAVID R. BELCHER OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING PROFESSIONAL AND CIVIC ACHIEVEMENTS.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 34.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.R. 144. PETITIONING THE U.S. ARMY CORPS OF ENGINEERS TO STUDY FLOOD CONTROL SOLUTIONS FOR THE DRY CREEK AREA OF SCOTTSBORO, ALABAMA.

WHEREAS, with increasing interest and considerable concern, the House of Representatives of the Legislature of Alabama takes legislative notice of the necessity to promptly seek solutions to the safety and health hazards created by the dry creek area of Scottsboro, Alabama; and

WHEREAS, this area has been the source of a multitude of difficulties and sanitation risks, including periodic flooding, sewer and solid waste contamination,

and insect and rodent infestation, all concerns which expose our citizens to physical and mental dangers and economic and financial hardships; and

WHEREAS, it is imperative that a study is commenced by the United States Army Corps of Engineers concerning the dry creek area, including the feasibility of adopting drainage and flood prevention improvements that would provide critical protection from groundwater-induced damages, such study to specifically consider the ramifications of connecting this area to the Tennessee River; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That based on the foregoing concerns, the United States Army Corps of Engineers is respectfully encouraged to immediately commence a study of the dry creek area of Scottsboro, Alabama, and implement appropriate action to protect the people and property of this area.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the United States Army Corps of Engineers so that it may be apprised of our interest regarding this critical situation and persuaded to act in the best interests of the State of Alabama.

On motion of Representative Carter, the resolution, H.R. 144, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 128. EXPRESSING LEGISLATIVE INTENT IN ACT NO. 95-395, H. 149 OF THE 1995 REGULAR SESSION, PROVIDING ALTERNATIVE ADVERTISING PROCEDURES FOR ADOPTING MUNICIPAL ZONING ORDINANCES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in subsection (b) of Section 1 of Act No. 95-395, H. 149 of the 1995 Regular Session, the words "three consecutive weeks" mean at least once a week over a three consecutive week period.

BE IT FURTHER RESOLVED, That the present Legislature is the same Legislature that enacted Act No. 95-395, H. 149 of the 1995 Regular Session.

On motion of Representative Carter, the resolution, H.J.R. 128, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.R. 189. SUPPORTING THE ADOPTION OF THE "RIGHT TO KNOW" MANAGED HEALTH CARE PLAN DISCLOSURE.

WHEREAS, the Alabama House of Representatives recognizes that health care reform continues to be a national priority and a majority of states are independently considering health reform plans; and

WHEREAS, it is often almost impossible to determine what a health care plan covers prior to or after enrollment in a particular plan; and

WHEREAS, health care plans and health insurance should provide consumers with quality information about the health services available to an enrollee or prospective enrollee; and

WHEREAS, all people have the right to know all benefits and exclusions within their health care plans set forth in easily understood terms prior to enrolling in any plan and we support a health care system that will ensure educated and informed consumers and patients; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That all national health care reform legislation and all state health care reform legislation should include full disclosure provisions that require all health insurance and managed care plans to make public the complete extent of benefits provided, and to disclose any exclusion or restrictions of services including, but not limited to: Outpatient physician services, referral to specialty physician and other providers, choice of pharmacy providers, diagnostic tests (including mammography exams), dental services, hospitalization, laboratory tests and services, FDA-approved or scientifically sound therapies, coverage of prescription drugs, rehabilitation services such as physical, occupational, and vocational therapy, mental health services, long-term care and the full range of reproductive services.

BE IT FURTHER RESOLVED, That the Alabama House of Representatives fully supports the "Right to Know" in managed health care plan disclosure and the goal to seek passage of state legislation mandating full disclosure of benefits and exclusions of health care benefits in a uniform and easily understood format.

RESOLVED FURTHER, That a copy of this resolution be sent to the Governor of the State of Alabama.

On motion of Representative Carter, the resolution, H.R. 189, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 179. COMMENDING THE CENTRAL OF TUSCALOOSA HIGH SCHOOL FOOTBALL TEAM ON ITS 6-A STATE FOOTBALL CHAMPIONSHIP.

WHEREAS, the Central of Tuscaloosa High School Falcon Football Team won the 1995 6-A State Football Championship, and on January 17, 1996, the coaches and team members were presented the state championship trophy, and honored with a parade in downtown Tuscaloosa; and

WHEREAS, the Falcons, in five playoff games, outscored their opponents 131-33, and ended the season with a 13-1 record; they also averaged 31.4 points per game during the season, while allowing their opponents only 9.8 points per game, and defeated Jeff Davis 7-6 in the championship game; and

WHEREAS, in another season highlight, we note that in a span of 14 games, Central allowed its opponents 14 points or less 12 times; and

WHEREAS, the unparalleled success of the team extends beyond the football field to the classroom, where the Falcons had an 84 average; and

WHEREAS, winning their first state football championship for Central of Tuscaloosa, and contributing to the outstanding accomplishments of the 1995 football season were: Game Captains: Jason Jones, Gregg Busby, Jason Kellen, and Fred Bishop; and senior football players: Ryan Adams, Jermaine Boyd, Brian Brasher, Gregg Busby, Kevin Denton, Derek Flowers, O'Neill Gooden, Morton Guy, Jason Jones, Michael O'Neal, Elliot Robbins, Gerald Taylor, Jimmy Watts, Fred Bishop, Percy Boyd, William Curry, Dejuan Clark, Rod Elliott, Jerome Garrett, David Graham, Stephen Hannum, Jason Kellen, Delvin Rainer, Jim Steele, Shane Weaver, and Marquince Wilder; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, and in expression of pride that is shared statewide, we hereby most highly commend and congratulate the Central High School Falcons on winning the 1995 6-A State Football Championship, and do further direct that copies of this resolution be forwarded for appropriate presentation and school display.

On motion of Representative Carter, the resolution, H.J.R. 179, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 180. COMMENDING THE PARALYZED VETERANS OF AMERICA MID-SOUTH CHAPTER.

WHEREAS, the Paralyzed Veterans of America (PVA) will observe its 50th Year Anniversary in 1996; and

WHEREAS, for half a century PVA has aided in promoting and advancing the interests of veterans, dependents, and all people with spinal cord injury, dysfunction, and disabilities, and is to be commended for the vital role it has played during the last 50 years in improving the lives of its members; and

WHEREAS, in 1971, after years of struggle, growth, and maturity, PVA received a charter from the United States Congress, and has expanded to 34 chapters, including Mid-South Chapter; and

WHEREAS, there are approximately 26.5 million veterans in the United States, with over 200 PVA members residing in the State of Alabama; and

WHEREAS, PVA and the Mid-South Chapter continue to work closely with the federal, state, and local communities to advance opportunities for people with disabilities through the Paralyzed Veterans of America; and

WHEREAS, the members of this distinguished organization remind us that freedom is not free, and that this would not be the land of the free, if it were not the home of the brave; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to outstanding service to the veterans of the United States, we hereby most highly commend the Paralyzed Veterans of America Mid-South Chapter on the observance of the 50th Anniversary of the PVA, and direct that they receive a copy of this resolution for appropriate presentation and display with our gratitude and appreciation.

On motion of Representative Carter, the resolution, H.J.R. 180, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 181. COMMENDING H. THOMAS PRAYTOR, III, FOR OUTSTANDING COMMUNITY SERVICE AND PROFESSIONAL ACHIEVEMENT.

WHEREAS, H. Thomas Praytor, III, of Mobile, Alabama, is being commended for his unparalleled record of leadership in the community, and exceptional professional achievement; and

WHEREAS, a man of integrity, and a highly regarded member of the community, Mr. Praytor was a charter member of Young Council of Realtors, Alabama Association of Realtors, and Mobile County Board of Realtors; and

WHEREAS, he has earned the respect and admiration of the people of Mobile as 1989 Chair of the Mobile County Board of Realtors Multiple Listing Service Committee, and President of the Municipal Park Baseball in 1989 and 1990, where he was instrumental in the design and expansion of park facilities; and

WHEREAS, in addition, he has been deeply involved with the Mobile County Recreation Board, Kings Ranch for Abused Children, American Cancer Society, Mobile United, Challenge 2000, and All Saints Episcopal Church; and

WHEREAS, among his numerous honors and awards are: 1995 Realtor of the Year for Mobile County Board of Realtors, 1993 President of the Mobile County Board of Realtors, 1991 Alabama Young Realtor of the Year, 1989 Youngest Realtor to Achieve life membership in the Million Dollar Club, and 1989 Speaker of the National Association of Realtors Annual Convention; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding community service, and exceptional professional achievement, we hereby most highly commend H. Thomas Praytor, III, of Mobile, Alabama, and direct that a copy of this resolution be presented to him with highest praise and honor.

On motion of Representative Carter, the resolution, H.J.R. 181, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 182. COMMENDING DR. THRATH CURRY OF CARROLLTON, ALABAMA.

WHEREAS, on the occasion of the Sesquicentennial Celebration at Carrollton Baptist Church in Pickens County, Alabama, May 19, 1996, it seems only appropriate and fitting that the Alabama Legislature recognize and commend Dr. Thrath Curry for her outstanding contributions and achievements over the past 50 years; and

WHEREAS, Dr. Curry, a longtime resident of the Pickens County community, was born and raised in Kennedy, Alabama, and moved to Carrollton at the beginning of her teaching career; and

WHEREAS, in a distinguished career in education, Dr. Curry, who holds a Doctor of Education degree from the University of Alabama, served successively as a high school Home Economics teacher at Carrollton for 24 years, as Assistant Dean of the School of Home Economics at the University of Alabama, Dean and Professor of Home Economics at Mississippi University for Women, and as Headmistress of Pickens Academy until her retirement; and

WHEREAS, over the years, Dr. Curry has demonstrated equal dedication and commitment to her church, Carrollton Baptist, continuing to serve in such capacities as teacher of the Golden Circle Sunday School Class, a role she has filled for the past 37 years; and

WHEREAS, she has also devoted several years and untold hours diligently researching and compiling information for her book, "A Heritage of Faith," a gift of love in which she commemorates the past and preserves for posterity the rich and glorious heritage of Carrollton Baptist Church; and

WHEREAS, Dr. Curry is also a devoted wife, mother, and grandmother; she and her husband, Sonny Curry, will celebrate 50 years of marriage in August of this year; their son, Dr. Bill Curry, and his wife, Dr. Glenda Curry, are the parents of two beautiful daughters, Laura and Seana; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on this momentous occasion, and in recognition of her outstanding contributions and achievements of the past 50 years, we hereby most highly commend Dr. Thrath Curry, and direct that she receive a copy of this resolution as a measure of our tribute and esteem.

On motion of Representative Carter, the resolution, H.J.R. 182, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 183. RECOGNIZING CARROLLTON BAPTIST CHURCH IN PICKENS COUNTY, ALABAMA, ON THE OCCASION OF ITS SESQUICENTENNIAL CELEBRATION, MAY 19, 1996.

WHEREAS, Carrollton Baptist Church in Pickens County, Alabama, is celebrating its Sesquicentennial on May 19, 1996; and

WHEREAS, Carrollton Baptist was established on May 24, 1846, by founders who pledged to give unreservedly of themselves and all they possessed to Almighty God, and to take the Scriptures as their rule of faith and practice in governmental and civic affairs, and in their personal values; and

WHEREAS, study and application of Biblical principles has been a continuing characteristic of the church throughout its history and, in times of want and in times of plenty, members have practiced self-denial and systematic giving for God's Kingdom and His works around the world; and

WHEREAS, in the home, parents have served as catalysts in strengthening the home and family life through quiet example of reverence for God; and

WHEREAS, from humble beginnings, leaders and members at Carrollton Baptist have recognized the providence of God and, for the future, pray to see life from God's perspective; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on this momentous occasion, we hereby most highly commend the membership of Carrollton Baptist Church of Pickens County for their dedicated devotion to God and in service to their fellow man.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to the Reverend Ben Styles, pastor, for appropriate presentation and display.

On motion of Representative Carter, the resolution, H.J.R. 183, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 184. COMMENDING LOUIS PIZITZ MIDDLE SCHOOL, VESTAVIA HILLS, AS RECIPIENT OF THE NATIONAL BLUE RIBBON OF EXCELLENCE AWARD.

WHEREAS, it is with highest commendation that the Legislature of Alabama notes the selection of the Louis Pizitz Middle School, Vestavia Hills, Alabama, as

recipient of a National Blue Ribbon School of Excellence Award by the United States Department of Education, one of the highest honors to be accorded an educational institution; and

WHEREAS, established in 1982, the Blue Ribbon Schools Program recognizes excellence in teaching and instruction, student achievement, leadership, parental involvement and community support, and, Pizitz Middle School, which is one of only 266 schools throughout the country to be chosen for this prestigious honor, has clearly demonstrated standards of excellence in all these categories and is indeed deserving of this distinguished designation and our utmost praise; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate the Louis Pizitz Middle School on its selection as a National Blue Ribbon School of Excellence; commend the administration, teachers and staff, and parents and students, in whose accomplishments we are justly proud; and direct that a copy of this resolution be provided Principal David W. Miles for appropriate presentation and display, and as a measure of our tribute and esteem.

On motion of Representative Carter, the resolution, H.J.R. 184, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 185. WELCOMING THE DOUBLE OO RIDERS ASSOCIATION OF MICHIGAN TO ALABAMA.

WHEREAS, the Double OO Riders Association is a statewide non-profit volunteer organization, headquartered at the Double OO Ranch in Davisburg, Michigan, with over 50 members, consisting of men, women, and children; and

WHEREAS, the Double OO Riders Association is involved in a wide range of equestrian activities and shares a common commitment to exposing inner-city and disadvantaged persons to horses and to promoting the rich history of America's multi-ethnic West; and

WHEREAS, as an active member of the Michigan Horse Council, the Double OO Riders Association engages in ongoing efforts to promote its "Say Whoa to Drugs" program; and

WHEREAS, the Double OO Riders Association was selected by the Legislative Black Caucus Foundation of Michigan to receive its 1994 Partners in Community Service Award; and

WHEREAS, the Double OO Riders Association will be visiting Mobile, Alabama as special guests during the 1996 Mardi Gras to participate in the Mobile Area Mardi Gras Association parade on Tuesday, February 20, 1996; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend to the Double OO Riders Association a hearty welcome to the State of "Alabama the Beautiful" and particularly to the beautiful and hospitable "Gulf Coast" City of Mobile.

BE IT FURTHER RESOLVED, That the State of Alabama extends to the Double OO Riders Association all of the special courtesies, privileges, and rights accompanying "honorary" citizens.

On motion of Representative Carter, the resolution, H.J.R. 185, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report, with substitute:

H.J.R. 49. URGING THE BOARD OF PARDONS AND PAROLES TO DEVELOP A PLEDGE RELATING TO CHILD SUPPORT.

The question was then on the adoption of the substitute reported by the Standing Committee on Rules, said committee substitute being as follows:

URGING THE BOARD OF PARDONS AND PAROLES TO DEVELOP A PLEDGE RELATING TO CHILD SUPPORT.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the Board of Pardons and Paroles to develop a pledge that a prisoner must sign as a condition of parole, and that the pledge contain the following language: "I will support all my children as required by Alabama law. I will make all child support payments on time. I will pay any past due child support to the best of my ability. I know that I will be returned to prison for any failure to pay child support while on parole and that a violation to pay child support to the best of my ability would result in the revocation of my parole."

BE IT FURTHER RESOLVED, That a copy of this resolution be sent forthwith to the Board of Pardons and Paroles.

RESOLVED FURTHER, That we urge the aforementioned pledge be used as a condition for parole and that a violation thereof would result in the revocation of parole.

SUBSTITUTE ADOPTED

And the substitute was adopted.

On motion of Representative Carter, the resolution:

H.J.R. 49. URGING THE BOARD OF PARDONS AND PAROLES TO DEVELOP A PLEDGE RELATING TO CHILD SUPPORT.

as amended, was adopted and ordered engrossed.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 201. MOURNING THE DEATH OF COLONEL DONALD H. JERSEY.

WHEREAS, recorded with deep and abiding sorrow is the lamentable death of Colonel Donald H. Jersey of Huntsville, Alabama, on February 21, 1996, at the age of 69 years; and

WHEREAS, attaining the rank of Colonel after 30 years of service, including World War II, and tours of duty in Korea, and Vietnam, Colonel Jersey garnered numerous medals and awards in recognition of his military accomplishments, such as the Distinguished Service Medal, two Silver Stars, two Legions of Merit, Bronze Star with Valor, Distinguished Flying Cross, nine air medals, and the Infantry Badge and Purple Heart; and

WHEREAS, an extraordinarily skillful businessman, Colonel Jersey was the owner of Shamrock Sports Bag Company, which he founded under the name Varsity Quality Products in 1974; and

WHEREAS, a pioneer Republican in Madison County, Colonel Jersey was instrumental in forming the Madison County Republican Men's Club, and was a member of both the county Republican Executive Committee, and Alabama delegation to the Republican National Convention in 1976; and

WHEREAS, left to cherish his memory are his wife, Claudia; three daughters, Donna Stull, Dreama Norwood, USMC Major Laura Ann Sampsel, and other relatives and myriad of friends fortunate enough to have known him, and his life indeed stands as a testament for others who strive for the best in personal, professional, and community life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our deepest sympathy in the death of Colonel Donald H. Jersey of Huntsville, Alabama, and extend our most heartfelt sympathy to his bereaved family, for whom a copy of this resolution shall be provided with sincere condolence.

On motion of Representative Carter, the resolution, H.J.R. 201, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 202. MOURNING THE DEATH OF LOLA B. SANFORD OF BOAZ, ALABAMA.

WHEREAS, it is with profound sorrow and a deep sense of loss that the Alabama Legislature records the death of Lola B. Sanford of Boaz, Alabama, on February 18, 1996, at the age of 79 years; and

WHEREAS, throughout her lifetime, Lola Sanford, a warm and gracious lady, exhibited, by word and deed, her consuming interest in the happiness and well-being of others through her dedicated efforts on their behalf; and

WHEREAS, this was expressed through her devotion to the needs of her family, many friends, and neighbors, and in her role and influence in the civic and community affairs of Boaz and Marshall County; and

WHEREAS, born in the Boaz area on January 8, 1917, Mrs. Sanford married Brenton Bruce Sanford, also of the Boaz area and, in the years to follow, would ably serve many roles, as a career woman, as a political figure and supportive wife to her husband in his careers in the military, in publishing, and as mayor in the 1960s and 70s and, most especially, as a loving and devoted mother and grandmother; and

WHEREAS, preceded in death by her husband and two grandchildren, Mrs. Sanford is survived by one son, Boaz Mayor Bruce Sanford; six daughters, Joan Noel, June Jenkins, Pamela Martin, Gail Sparks, Connie Sanford, and Jan Thompson; a brother, Herbert Ross; a sister, Brenda Childress; and numerous grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the lamentable death of Mrs. Lola B. Sanford of Boaz, Alabama, and express heartfelt sympathy to her beloved family, whose sorrow we share, and for whom a copy of this resolution shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 202, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 203. CONDEMNING THE ATTACK UPON JUDGE EDDIE HARDAWAY'S HOME AND CALLING UPON GOVERNOR JAMES AND PUBLIC SAFETY DIRECTOR MITCHELL TO USE EVERY AVAILABLE RESOURCE TO APPREHEND THE ASSAILANTS.

WHEREAS, in the early morning hours of February 23, 1996, an assailant, or assailants, fired two shotgun blasts into the bedroom window of the home of Sumter County Circuit Judge Eddie Hardaway; and

WHEREAS, luckily neither Judge Hardaway nor family members were hurt in this cowardly ambush attempt; and

WHEREAS, the attack on Judge Hardaway follows six previous burnings or vandalizations of Black churches in the area over the past year; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby call upon Governor Fob James and Public Safety Director, Colonel Gene Mitchell to use every available resource to apprehend the persons responsible for this heinous act.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Governor James, and to Public Safety Director Mitchell.

On motion of Representative Carter, the resolution, H.J.R. 203, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 204. COMMENDING NATHAN HOLCOMB OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Nathan Holcomb, a member of the University of North Alabama's 1995 Football Team that went 14-0 overall for its second perfect season in the last three years, 7-0 in the Gulf South Conference for a third straight league title, and dominated four NCAA playoff opponents 138-49, to capture the national championship title for a third straight year in front of a sell-out crowd and a national television audience on ESPN; and

WHEREAS, the 1995 championship season represented the culmination of an impressive list of achievements for the University of North Alabama over the past 3 years, namely:

UNA as the first school in the history of NCAA scholarship football (Division I, I-AA, II) to win three consecutive national championships;

UNA as the first school in the history of collegiate football on any level to win 40 games in just three seasons (41-1 from 1993-95);

UNA's current 23-game winning streak as second best in the nation behind only Nebraska's 25;

UNA's Purple Swarm defense leading Division II in rushing defense and scoring defense;

Current UNA streaks including 41 consecutive wins against NCAA Division II opponents and 27 consecutive No. 1 rankings in the NCAA Division II poll; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend and congratulate Nathan Holcomb of the University of North Alabama 1995 Football Team for his contribution to the success of the 1995 season, and do further direct that a copy of this resolution be provided for appropriate presentation and display.

On motion of Representative Carter, the resolution, H.J.R. 204, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 205. COMMENDING LAVARRIE HARBIN OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Lavarrie Harbin of Choctaw County is a member of the University of North Alabama's 1995 Football Team that went 14-0 overall for its second perfect season in the last three years, 7-0 in the Gulf South Conference for a third straight league title, and dominated four NCAA playoff opponents 138-49, to capture the national championship title for a third straight year in front of a sell-out crowd and a national television audience on ESPN; and

WHEREAS, the 1995 championship season represented the culmination of an impressive list of achievements for the University of North Alabama over the past 3 years, namely:

UNA as the first school in the history of NCAA scholarship football (Division I, I-AA, II) to win three consecutive national championships;

UNA as the first school in the history of collegiate football on any level to win 40 games in just three seasons (41-1 from 1993-95);

UNA's current 23-game winning streak as second best in the nation behind only Nebraska's 25;

UNA's Purple Swarm defense leading Division II in rushing defense and scoring defense;

Current UNA streaks including 41 consecutive wins against NCAA Division II opponents and 27 consecutive No. 1 rankings in the NCAA Division II poll; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend and congratulate Lavarrie Harbin of the University of North Alabama 1995 Football Team for his contribution to the success of the 1995 season, and do further direct that a copy of this resolution be provided for appropriate presentation and display.

On motion of Representative Carter, the resolution, H.J.R. 205, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 206. COMMENDING WILLIE J. SLATER, ASSISTANT COACH, OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Willie J. Slater of Clarke County is an assistant coach of the University of North Alabama's 1995 Football Team that went 14-0 overall for its second perfect season in the last three years, 7-0 in the Gulf South Conference for a third straight league title, and dominated four NCAA playoff opponents 138-49, to capture the national championship title for a third straight year in front of a sell-out crowd and a national television audience on ESPN; and

WHEREAS, the 1995 championship season represented the culmination of an impressive list of achievements for the University of North Alabama over the past 3 years, namely:

UNA as the first school in the history of NCAA scholarship football (Division I, I-AA, II) to win three consecutive national championships;

UNA as the first school in the history of collegiate football on any level to win 40 games in just three seasons (41-1 from 1993-95);

UNA's current 23-game winning streak as second best in the nation behind only Nebraska's 25;

UNA's Purple Swarm defense leading Division II in rushing defense and scoring defense;

Current UNA streaks including 41 consecutive wins against NCAA Division II opponents and 27 consecutive No. 1 rankings in the NCAA Division II poll; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend and congratulate Willie J. Slater, assistant coach, of the University of North Alabama 1995 Football Team for his contribution to the success of the 1995 season, and do further direct that a copy of this resolution be provided for appropriate presentation and display.

On motion of Representative Carter, the resolution, H.J.R. 206, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 207. COMMENDING REGINALD REFFIN OF THE UNIVERSITY OF NORTH ALABAMA (UNA) 1995 FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Reginald Reffin of Choctaw County is a member of the University of North Alabama's 1995 Football Team that went 14-0 overall for its second perfect season in the last three years, 7-0 in the Gulf South Conference for a third straight league title, and dominated four NCAA playoff opponents 138-49, to capture the national championship title for a third straight year in front of a sell-out crowd and a national television audience on ESPN; and

WHEREAS, the 1995 championship season represented the culmination of an impressive list of achievements for the University of North Alabama over the past 3 years, namely:

UNA as the first school in the history of NCAA scholarship football (Division I, I-AA, II) to win three consecutive national championships;

UNA as the first school in the history of collegiate football on any level to win 40 games in just three seasons (41-1 from 1993-95);

UNA's current 23-game winning streak as second best in the nation behind only Nebraska's 25;

UNA's Purple Swarm defense leading Division II in rushing defense and scoring defense;

Current UNA streaks including 41 consecutive wins against NCAA Division II opponents and 27 consecutive No. 1 rankings in the NCAA Division II poll; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend and congratulate Reginald Reffin of the University of North Alabama 1995 Football Team for his contribution to the success of the 1995 season, and do further direct that a copy of this resolution be provided for appropriate presentation and display.

On motion of Representative Carter, the resolution, H.J.R. 207, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 208. MOURNING THE DEATH OF WILLIS MOORE OF HUNTSVILLE, ALABAMA.

WHEREAS, it is with profound sorrow and regret that the Legislature of Alabama records the lamentable death of Alabama State Trooper Willis Moore on February 26, 1996, at the age of only 33 years; and

WHEREAS, Trooper Moore, who was killed as the result of a tragic one-vehicle accident while responding to a traffic accident in Madison County, had served in the Huntsville Post, Troop B, since his commissioning as a trooper with the Department of Public Safety on March 3, 1995, the fulfillment of a lifelong dream and an accomplishment in which he took great pride; and

WHEREAS, he previously served with equal pride and dedication as a paramedic with Huntsville Emergency Medical Services, Inc., for nearly a decade and, during his tenure, coordinated HEMS1's first CPR education program, taught emergency medical technician classes at the University of Alabama in Huntsville, and was named Urban Responder of the Year in 1993, the first year the award was given; and

WHEREAS, over his all-too-brief career, Willis Moore displayed steadfast dedication and exemplary professionalism and skill in the performance of his duties in his charge to protect the lives of his fellow citizens; and

WHEREAS, his devotion to duty, personal integrity and ability to relate to others in all walks of life fostered a spirit of friendship, respect and trust among all with whom he was professionally associated and countless others whose lives were touched by him; and

WHEREAS, Trooper Moore was a native of Huntsville, and attended the University of Alabama in Huntsville from 1988 to 1992; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the untimely death of Willis Moore of Huntsville, Alabama, and extend our heartfelt sympathy to his beloved parents, Lucille Baker Moore and Willie B. Moore; to his four sisters; and to other family members, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 208, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 209. COMMENDING THE REVEREND PHILLIP V. RUSHING FOR DEDICATED CHRISTIAN SERVICE.

WHEREAS, the Legislature of Alabama, in consensus of commendation, recognizes the Reverend Phillip V. Rushing for his many years of faithful service to the ministry and to First Bethesda Christian Church; and

WHEREAS, over the years, Reverend Rushing has been an inspiration to his church family as a true symbol of strength, love, and commitment to the Lord, and, under his spiritual leadership and guidance, Bethesda Christian Church has grown and flourished in all aspects of its ministry and witness, and significantly impacted the spiritual and moral climate of the community; and

WHEREAS, also to be remembered are the many dedicated members, who, with Christian love and devotion, have contributed so much in the life of First Bethesda; and

WHEREAS, Pastor Rushing, who began his career as a social worker, and was recognized as one of the Ten Outstanding Young Men in America, has further extended his endeavors to encompass numerous programs and activities of public interest and concern through the years; he was appointed coordinator of the election campaign for the Freedom Democratic Party, helped elect the first Black to the Mississippi House of Representatives, and served as chief counselor in a Community Action Program, for which he received a special citation from the Department of Labor; he also was one of only 10 selected from a field of 15,000 candidates to receive an HEW fellowship, an honor which took him to Washington, D.C., where he became special assistant to the Commissioner of Health Services and Mental Health Administrator--only a few of many notable accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is with highest commendation that we recognize the Reverend Phillip V. Rushing for his many years of faithful service as Pastor of First Bethesda Christian Church and, on behalf of the entire membership, do further direct that a copy of this resolution be presented to him in tribute and gratitude for his many outstanding contributions of service.

On motion of Representative Carter, the resolution, H.J.R. 209, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 158. COMMENDING THE BIRMINGHAM POST-HERALD ON SPONSORING THE DISTINGUISHED TEACHER AWARD.

WHEREAS, highest commendation is hereby accorded the Birmingham Post-Herald on hosting the first annual Distinguished Teacher Award on January 30, 1996; and

WHEREAS, the Distinguished Teacher Award establishes a program of acknowledged eminence, and recognizes teachers who have demonstrated leadership in their profession and in community involvement, who challenge students to succeed, as well as those who have served as a worthy role model for all professionals in the educational field; and

WHEREAS, the Birmingham Post-Herald, which was established in 1950, has created an illustrious record as a strong supporter in community service projects, including the Birmingham Post-Herald Distinguished Teacher Award, and strives to recognize and honor those in the community that make a difference; and

WHEREAS, for demonstrating extraordinary community service, and for 46 years of exemplary work performance, the Birmingham Post-Herald is applauded for the fine example that it has established for fellow Alabamians, and for future generations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement in the State of Alabama, we hereby most highly commend the Birmingham Post-Herald, and direct that a copy of this resolution be presented for display with highest praise and honor.

On motion of Representative Carter, the resolution, H.J.R. 158, was adopted.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 210. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the seventh legislative day, Tuesday, March 5, 1996, taking precedence over the regular order of business or any pending or unfinished business:

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

Unfinished Business

And the following bills:

Consideration of these bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

Inst Id	Page
H. 152 - By Sanderson	13
Traffic signs, or building, damage or defacement, prohib., penalties, Sec. 13A-8-71, 13A-8-72 am'd.	
H. 96 - By Lindsey	4
Boll weevil eradication program, confirmation phase and elimination zone defined, referendum requirements provided, Secs. 2-19-121, 2-19-134 am'd.	
H. 10 - By Smith	26
State employee, estate of deceased, payment of 50 percent of accrued sick leave at death, provided, Sec. 36-26-36 am'd.	
H. 135 - By Wren	28
Deferred comp. plan, tax deferment under state income tax for public employees, same as for federal income tax purposes	
H. 184 - By Box	8
Partnership, Uniform Partnership Act with limited liability provided, Secs. 10-8-1 through 10-8-7, 10-8-20, 10-8-21, 10-8-40 through 10-8-56, 10-8-70 through 10-8-73, 10-8-90 through 10-8-103 repealed	
H. 29 - By Curry	18
Corrections Dept., escheats procedures relating to funds of inmates	
H. 129 - By McMillan	2
Massage Therapy, bd. estab., licenses regulated, penalties provided	

**REGULAR SESSION
7th Day**

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H. 117 - By Dean 12

Bail, after conviction

H. 277 - By Hammett (As Amended) 17

Military Dept., deletion of references to cert. grades of officers, Sec. 31-2-60 am'd.

H. 344 - By Hammett 17

National Guard, Mutual Assistance Counter-Drug Activities Compact, authority to enter, policy and procedure

The following bills are not subject to the 10-minute limitation, and are subject to motions to carry over temporarily or otherwise.

And the following Bills:

Inst Id	Page
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H. 1 - By Reed (As Amended)	24
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Macon Co., dog track simulcasting to other locations auth., Act 83-575, 1983 Reg. Sess. am'd.

H. 210 - By Black (L)	25
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Greene Co., dog racing, horse racing, televised racing events, pari-mutuel wagering, alt., tax imposed, Act 376, 1975 Reg. Sess. am'd.

MOTION TO ADOPT

Representative Carter offered the motion to adopt the resolution, H.R. 210.

AMENDMENT OFFERED

Representative Box offered the following amendment to the resolution, H.R. 210:

Amend H.R. 210, on page 3, line 13 by adding the following:

H. 82 Turnham

AMENDMENT ADOPTED

And the amendment was adopted.

RESOLUTION ADOPTED

And the resolution, H.R. 210, as amended, was adopted.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 245. Relating to institutions of higher education; defining a resident student and prescribing tuition rates for nonresident students; providing for exceptions; permitting the application of a more rigorous policy by an institution; and requiring annual audits.

TOMMY CARTER
Chairman

And the bill, H. 245, as engrossed, was ordered sent to the Senate.

BILLS ON SECOND READING

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 139. (With Substitute): Creating the General Fund Proration Prevention Act of 1996 to prevent proration of funds appropriated by the Legislature; providing for methods of withdrawals, repayment, and accrual of interest; and reverting excess funds to the General Fund Proration Prevention Account.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 347. (With Amendment): To amend Sections 28-3-1 and 28-7-16, Code of Alabama 1975, relating to alcoholic beverages, to define and levy a tax on cider.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 351. (With Substitute): To prohibit the sale of cigarettes at below cost with intent to injure competitors or destroy or substantially lessen competition among cigarette sellers; to provide penalties for violations; and to provide for enforcement by the Commissioner of the Alabama Department of Revenue.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 301. (With Substitute) (With Amendments): To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1997.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 123. To make an appropriation from the State General Fund in the amount of \$1,700,000 to the full member Children's Advocacy Centers for the fiscal year ending September 30, 1997, and to require operations plans and audited financial statements prior to release of any funds.

H. 303. To make an appropriation of \$13,041 from the State General Fund to the Alabama's Junior Miss Pageant for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 304. (With Amendment): To make an appropriation of \$42,761 from the State General Fund to the Tri-Rivers Waterway Development Authority for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 305. To make an appropriation of \$69,650 from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

H. 307. To make an appropriation of \$18,600 from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

H. 314. To make an appropriation of \$35,050 from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

H. 315. To make an appropriation of \$42,500 from the State General Fund to the Parkinson Association of Alabama for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 319. (With Substitute): To make an appropriation of \$142,600 from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

H. 322. (With Substitute): To make an appropriation of \$359,674 from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 323. To make an appropriation of \$61,853 from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 325. (With Amendment): To make an appropriation of \$73,442 from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 326. (With Substitute): To make an appropriation of \$150,000 from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 328. (With Amendment): To make an appropriation of \$49,933 from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 332. To make an appropriation of \$291,593 from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1997, and to require an operations plan prior to release of any funds.

H. 335. To make an appropriation of \$100,000 from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 336. (With Amendment): To make an appropriation of \$325,000 from the State General Fund to the Alabama Kidney Foundation, Inc. for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

Representative Ford, Chairperson of the Standing Committee on Tourism, Entertainment and Sports, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 257. To permit the operator of a racetrack in a Class 1 municipality, notwithstanding certain provisions of Section 11-65-32 of the Code of Alabama 1975, to transmit to, or receive from, other racetracks located in Alabama televised horse or greyhound racing events, to conduct pari-mutuel wagering on such televised racing events, and to participate in pari-mutuel pools that include bettors at other racetracks in Alabama that are transmitting or receiving such televised racing events; and to enable the operator of a racetrack in a Class 1 municipality to adjust takeouts in order to participate in combined pari-mutuel pools with other racetracks.

H. 497. To make the exploitation of bears by bear wrestling for profit unlawful; to provide for Class B felony penalties, forfeiture and custody of the bear or bears used in the exploitation, and restitution.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 391. Relating to the Twenty-fourth Judicial Circuit; providing for the establishment of a Judicial Administration Fund in the circuit and for the distribution of moneys in the fund.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Fuller:

H. 555. To make an appropriation of \$350,000 from the State General Fund to the Alabama Sentencing Institute for the fiscal year ending September 30, 1997, and to require an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 556. To make a supplemental appropriation of \$3,450,000 to the Department of Youth Services from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1996.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 557. To make an appropriation of \$200,000 from the Education Trust Fund to the Alabama Humanities Foundation for the fiscal year ending September 30, 1997, and to require an audited financial statement and operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Dolbare (With Notice and Proof):

H. 558. Relating to Washington County; authorizing the county commission to levy an additional sales and use tax up to two-cents and authorizing the county commission to levy a sales tax up to 1/4 of one-cent on new and used automobiles; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; providing for a referendum; and providing for a termination date.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 558, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Newton (D):

H. 559. Relating to registration and use of trademarks and service marks; to prohibit the creation, forging, counterfeiting, and the use of forged or counterfeit trademarks and service marks; to prohibit the manufacture, possession, sale, offering for sale, transportation, or use of certain goods or property containing or relating to forged or counterfeit trademarks and service marks; to provide for the offense of trademark or service mark counterfeiting and the offense of selling or offering for sale counterfeit goods or services; to provide for the forfeiture, the destruction, sale, or other disposition of certain goods and property; to provide for exceptions; to provide civil remedies; to provide for penalties; and to provide for the creation, enforcement, and protection of trademarks and service marks.

COMMITTEE ON JUDICIARY

By Representative Newton (D):

H. 560. To authorize certain municipalities to employ police officers and firefighters without certification by any applicable civil service system or merit system.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Warren, Ford, Page, Hinshaw, Morrow, Murphree, Millican, and Carter:

H. 561. To amend Sections 11-45-1.1, 13A-11-77, and 41-9-621 of the Code of Alabama 1975, to provide that all matters relating to firearms, ammunition, shooting ranges or galleries, or any other business where firearms are lawfully discharged, would be reserved to the Legislature; to provide procedures for licensed firearm dealers and the Alabama Bureau of Investigation for the sale of firearms, including a consent form, a toll-free telephone number for records checks, a petition and amendment process, a cause of action for damages, exemptions, penalties, and reporting to the Legislature; to provide that the Alabama Criminal Justice Information Center review and provide information to dealers on criminal history and involuntary hospitalizations, establish a toll-free telephone number, and maintain information on involuntary hospitalizations; to require the Alabama Criminal Justice Information Center to make involuntary hospitalization records available for inspection and inform persons of due process rights; and require the courts to provide involuntary hospitalization information to the Alabama Criminal Justice Information Center and provide for the destruction of the information five years after its receipt.

COMMITTEE ON STATE ADMINISTRATION

By Representative Lindsey:

H. 562. To make an appropriation of \$25,000 from the Education Trust Fund for the support and maintenance of the D. Day School in Cherokee County for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Carothers, Johnson (R), and Hammett:

H. 563. To amend Sections 22-8A-2, 22-8A-3, 22-8A-4, 22-8A-5, 22-8A-6, 22-8A-7, 22-8A-8, 22-8A-9, and 22-8A-10, Code of Alabama 1975, to: authorize competent adults to make written directions concerning the providing, withholding, or withdrawing of life-sustaining treatment and artificially provided nutrition and hydration in instances of terminal conditions and permanent unconsciousness, permit the designation of proxy decision-makers, and provide for the appointment of surrogate decision-makers in instances where the patient has not made such a designation.

COMMITTEE ON HEALTH

REGULAR SESSION
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By Representative Lindsey:

H. 564. To amend Sections 2-5-1, 2-5-2, 2-5-14, and 2-5-16, Code of Alabama 1975, to provide further for the procedural authority of the Farmers' Market Authority relative to the lease, disposal, and sale of real property of the department; provide further for the members of the authority; and provide further for the duties and funds of the authority.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Johnson (R):

H. 565. To provide for the regulation and licensure of marriage and family therapists; to establish the Alabama Board of Examiners in Marriage and Family Therapy; to prescribe fines and penalties for violations of this act; to create a privilege covering communication between a client and a therapist; and to provide for the appropriation of funds to the board.

COMMITTEE ON HEALTH

By Representative Johnson (R) (With Notice and Proof):

H. 566. Relating to Talladega County; providing for the assessment of additional costs and charges in all circuit and district court cases, excluding small claims division cases; and providing for the establishment of a Judicial Administration Fund in the county and the distribution of moneys in the fund.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 566, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Johnson (R) (With Notice and Proof):

H. 567. Relating to the Talladega County; to provide that the District Attorney may terminate, suspend, or demote employees in his or her office under certain conditions; to provide that the employees shall be entitled to written notice of the grounds for the termination, suspension, or demotion and a hearing; and to provide for appeal.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 567, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Turnham:

H. 568. Amending Section 16-3-9 of the Code of Alabama 1975, to increase the monthly expense allowance of members of the State Board of Education.

COMMITTEE ON WAYS AND MEANS

By Representative Layson:

H. 569. To amend Section 32-5-211, Code of Alabama 1975, relating to attaching a flag or light at the end of loads carried on vehicles, to authorize that an orange flag or an amber strobe light be attached to the end of a load which extends more than four feet beyond the rear of a vehicle.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Graham:

H. 570. To amend Sections 13A-11-70 and 13A-11-72 of the Code of Alabama 1975, to define "controlled substance crime," and to provide that it would be a felony offense for a person convicted of a felony controlled substance crime to possess a pistol.

COMMITTEE ON JUDICIARY

By Representative Morrow:

H. 571. To amend Section 12-13-20, Code of Alabama 1975, relating to the compensation for salaried judges of probate of the respective counties of the state, to provide further for the basis of the salaries, based on the population of the respective counties of the state, and the extra compensation for certain judges of probate who have additional responsibility in the county; to provide for future increases in compensation; and to specify that this bill shall not affect the compensation of judges of probate who receive a greater annual salary.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Hall (A), Robinson, Hawk, Petelos, Gaines, Buskey, Lindsey, Minnifield, Box, Morrison, Page, Turnham, McKee, Ford, Curry, Moore, Clouse, Dean, McMillan, Hogan, Guin, Carothers, Turner, Parker (P), Hall (L), Jorgensen, Galliher, Murphree, Gipson, Dukes, Graham, Hinshaw, and Sanderford:

H. 572. To provide distinctive motor vehicle license tags or plates for supporters of the Children's Trust Fund; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Hinshaw:

H. 573. To amend Section 36-27-15.2 of the Code of Alabama 1975, to provide further for allowing the purchase of prior service credit in the Employees' Retirement System or the Teachers' Retirement System for prior service rendered in the Job Corps.

COMMITTEE ON WAYS AND MEANS

By Representatives Turner and Clark (W) (With Notice and Proof):

H. 574. Relating to Mobile County; to further provide for the education attendance of children 16 years of age and younger who are expelled from public school in Mobile County; to require parents or other person having control or charge of a child, who is 16 years or younger, expelled from a regular public school to send the child to the Project New Beginning School or otherwise comply with the education attendance legal requirements or be charged pursuant to Section 16-28-12 of the Code of Alabama 1975.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 574, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Morrow:

H. 575. Providing for the purchase of prior service credit in the Judicial Retirement Fund subject to certain conditions by a judge who has returned to membership in the retirement fund after previously withdrawing his or her membership contributions from the retirement fund.

COMMITTEE ON WAYS AND MEANS

By Representative Newton (C):

H. 576. To amend Sections 34-27-6, 34-27-32, 34-27-34, 34-27-35, and 34-27-35.1, Code of Alabama 1975, relating to the Alabama Real Estate Commission, to provide further for the authority of the commission regarding real estate courses; to provide further for reciprocal licensing and proof of minimum instructional hours for licensure as a real estate broker or salesperson and to delete unconstitutional language that requires an applicant for a company or broker license to maintain a place of business within the state; to provide a \$25 fee for certain license changes; to provide inactive status for certain licensees, to provide a hardship postponement, to provide further for continuing education, and to remove the exempt status of licensees age 65 and older.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Hill, Morrow, Thomas (D), Gipson, Galliher, Smith, Jorgensen, Graham, Dukes, and Carns:

H. 577. To amend Chapter 19 of Title 5 of the Code of Alabama 1975, as amended, commonly known as the "Mini-Code," relating to consumer credit transactions, to provide for legislative findings; to amend and to provide further for definitions; to amend, clarify, and conform various provisions of Chapter 19, Title 5 to the amended definitions; to amend and provide further for finance charges and to amend and clarify finance charges applicable to consumer credit transactions which provide for simple finance charge computations; to clarify the applicability of Sections 5-19-1(1) and 5-19-3 to nonconsumer credit transactions; to amend and provide further for fees and charges which must be refunded or credited upon refinancing or renewal of a debt; to provide that the copy of the instruments furnished to the debtor need not be copies which are signed by the debtor; to amend the disclosures required to be given under this chapter by a creditor by deleting the requirement for disclosures of real estate mortgage broker fees and points for a consumer credit transaction subject to Section 5-19-4(g) and to further clarify disclosure requirements; to clarify and to provide further for attorney fees which may be charged by a creditor on a consumer credit transaction prior to and after default by the debtor; to provide that the notice required by federal law related to home solicitation sales satisfies the notice requirements under Section 5-19-12, to shorten to 20 days the time within which a creditor must take possession of the goods where the buyer has elected to cancel the sale, and to provide that a buyer may cancel a home solicitation sale at any time within one year after the date of sale if the seller has failed to comply with the notice requirement; to provide that unconscionability is determined at the time a consumer credit contract is made, that unconscionability is available only as a defense to the enforcement of a consumer credit contract, and that a creditor is entitled at least to the fair value of performance for a contract later declared void in whole or in part due to unconscionability; to amend and provide further for the prohibition against a creditor inducing a person to become obligated on more than one contract in order to obtain a higher finance charge including providing that a creditor is not obligated to maintain two or more contracts and that a creditor has no liability for requiring the consolidation of accounts or contracts; to amend and provide further for the remedies of a debtor and liabilities of a creditor for excess finance charges or other violations of Chapter 19, Title 5; to provide that a creditor who fails to obtain the required license may maintain an action without affecting the enforceability of the consumer credit transaction if the creditor obtains a license and pays the administrator a civil penalty equal to three times the amount of the investigation fee and the annual license fee for each year or portion thereof the creditor is in violation of the licensing requirement but not to exceed a civil penalty in the amount of one hundred thousand dollars (\$100,000); to amend and provide further for the time period during which a debtor may bring a cause of action for a violation of Chapter 19, Title 5; to provide that a creditor or assignee of a consumer credit contract has no liability for failing to comply with any requirement of Chapter 19, Title 5, if, after discovering the failure and before receiving written notice from the debtor, the creditor corrects the failure prior to the debtor bringing a cause of action against the creditor or giving the creditor written notice

of the failure; to provide the circumstances which must be proven by clear and convincing evidence as a condition to the admissibility of an oral statement which contradicts the provisions of a credit transaction document and to provide that a debtor cannot claim reasonable reliance upon an oral statement which contradicts the provisions of a credit transaction document which is disclosed in accordance with federal or state statute or regulation; to provide that a creditor is not liable for incidental, consequential, or punitive damages because of a violation of Chapter 19, Title 5; to provide that the remedies provided in Chapter 19, Title 5, for violations of Chapter 19, Title 5 are limited to those provided in Chapter 19, Title 5; to provide that a consumer credit transaction does not create a confidential relationship between the debtor and creditor or a fiduciary duty on the part of the creditor; to amend and provide further for the insurance which may be required or offered in connection with a consumer credit transaction and for the maximum premiums and charges for insurance including credit life, disability, involuntary unemployment insurance, collateral protection insurance, property insurance, and nonfiling insurance; to amend and clarify that a creditor has no duty in the absence of a written agreement to obtain insurance; to provide that a creditor may offer and finance other insurance which is approved by the administrator; to amend and provide further for the administrator's authority to make rules and regulations and the administrator's and administrator's designee's authority to issue written interpretations of the provisions of Chapter 19, Title 5, to provide for the consequence of a creditor for any act or practice done or omitted in conformity with any regulation or interpretation of the administrator, administrator's designee, or other state or federal agency, or opinion of the Attorney General; to provide further for the licensing of creditors engaged in the business of making consumer loans or taking assignments of consumer credit contracts, including that a creditor having a place of business in Alabama or a resident employee whose employment includes making consumer loans or taking assignments of consumer credit contracts must obtain a license, specifying the business locations of a creditor which must be licensed, and providing that a seller with respect to a consumer credit sale contract and the financing of permitted charges is not required to be licensed under Chapter 19, Title 5, to increase the annual license fee; to provide for the confidentiality of reports of examinations, and investigations and working papers related thereto of the State Banking Department; to provide the method by which a creditor's books and records may be maintained and reproduced; to amend and clarify the nonapplicability of specified provisions of Chapter 19, Title 5, to certain real estate transactions by a creditor which is an approved mortgagee under the provisions of the National Housing Act; to provide the administrator the power to assess civil monetary penalties against a creditor for violating Title 5, Chapter 19; to provide that a creditor and any other person may sell and finance a service contract and that service contracts do not constitute insurance for any purpose; to provide for the effect of certain provisions of this act including the retroactive application of the amendments to Sections 5-19-17, except subsection (d), 5-19-19, 5-19-20, except subsections (b)(2), (c), and (d)(2), 5-19-22, except subsection (h), and 5-19-31; to provide that the provisions of Section 5-19-11(b) relating to remedies of debtors and obligations of creditors and Section 5-19-11(c) relating to the powers of the Administrator are transferred to, and restated and amended in, Section 5-19-19(c) and Section 5-19-19(i), respectively, and that the

remainder of Section 5-19-11 is repealed; to provide for severability of the provisions of this act; and to provide for an effective date.

COMMITTEE ON BANKING

By Representatives Ford, Hawk, Hilliard, Buskey, Reed, Hall (L), Spratt, Curry, Dolbare, Baker, Page, Galliher, Millican, Hall (A), Melton, Jorgensen, Graham, Boyd, Black (M), Drake, Willis, Knight (J), Parker (P), Hogan, McAdory, McClammy, Bandy, Perdue, Houston, Kennedy, Maull, Papucci, Thomas (J), Guin, Mitchell, Johnson (E), Hinshaw, Newton (D), Morrison, Sims, Seibenhener, Allen, Minnifield, Petelos, Hayden, Holmes, Morrow, Gipson, Rogers (J), Black (L), Clark (J), Murphree, Hamilton, and Penry:

H. 578. To amend Section 25-4-78, Code of Alabama 1975, as amended by Act No. 95-311, 1995 Regular Session, relating to disqualifications for unemployment compensation benefits, to remove lockout from the disqualifications.

COMMITTEE ON JUDICIARY

By Representative Galliher (With Notice and Proof):

H. 579. Relating to Etowah County; to amend Section 4 of Act No. 95-208, 1995 Regular Session, creating the Etowah County Community Development Committee, to remove limitations on the expenditure of sales tax proceeds received by the committee.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 579, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Galliher (With Notice and Proof):

H. 580. Relating to Etowah County; to amend Sections 2 and 4 of Act No. 95-322, 1995 Regular Session, creating the Etowah County Library Committee; to provide that the committee may spend funds it receives from the local sales tax for professional services and capital expenditures.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I, HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 580, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

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By Representatives Allen, Turner, Hinshaw, Curry, Hawkins, Dukes, McKee, Townsend, Robinson, McDaniel, Petelos, Seibenhener, Guin, Melton, Murphree, Minnifield, Hooper, Drake, Millican, Clouse, Carns, Sanderson, Black (M), and Thomas (D):

H. 581. To amend Section 9-15-38, Code of Alabama 1975, relating to the sale of certain timber or minerals from school lands or swamp and overflowed lands, to increase the dollar value limit up to which certain timber may be sold on a negotiated basis; to provide for certain additional categories of timber which can be sold on that basis; to clarify that certain determinations are to be made by the State Lands Division of the Department of Conservation and Natural Resources; and to provide that the section applies to all timber sales conducted by the State Lands Division.

COMMITTEE ON STATE ADMINISTRATION

By Representative Allen:

H. 582. To amend Section 12-15-65 of the Code of Alabama 1975, as amended by Act No. 95-545, H. 525, 1995 Regular Session (Acts 1995, p. 1143), relating to the conduct of a hearing in juvenile court, to allow victims of a delinquent act to be present in any court exercising any jurisdiction over a delinquent act and to be seated at the counsel table of the prosecutor.

COMMITTEE ON PUBLIC WELFARE

By Representative Burke:

H. 583. To amend Section 41-16-21, Code of Alabama 1975, to exempt from competitive bidding all contracts that do not involve the expenditure of state funds and that are made for the selection of service contractors by or on behalf of public four-year colleges and universities of the state.

COMMITTEE ON EDUCATION

By Representative Layson (With Notice and Proof):

H. 584. Relating to Pickens County; to provide for necessary repairs and maintenance to turnouts abutting public roads by the county commission.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 584, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Guin:

H. 585. To amend Section 13A-12-200.1 of the Code of Alabama 1975, relating to the definition of terms relating to obscenity; to redefine "distribute," "disseminate publicly," and "produce" to include the transmission of obscene material by computer.

COMMITTEE ON JUDICIARY

By Representative Wren:

H. 586. To permit the establishment and maintenance of individual and employer-provided medical care savings accounts and trusts; to exempt contributions from taxation; to prescribe the requirements of and restrictions on medical care savings accounts; and to provide for a tax credit.

COMMITTEE ON WAYS AND MEANS

By Representatives Wren, Townsend, and Murphree:

H. 587. Relating to insurance, to specifically authorize the Commissioner of Insurance to conduct background investigations, to include criminal history inquiries, for all applicants for license as an insurance agent or a broker prior to the issuance of the license.

COMMITTEE ON INSURANCE

By Representative Morrison:

H. 588. To allow an active member of the Teachers' Retirement System to purchase up to two years credit in the system under certain conditions if the member agrees to leave his or her employment at the time of the purchase and defer receipt of retirement benefits until the member would have been eligible to retire without having purchased additional service credit under this act.

COMMITTEE ON WAYS AND MEANS

By Representative Hawk:

H. 589. To amend Sections 6-6-310, 6-6-332, 6-6-350, and 6-6-351, Code of Alabama 1975, relating to unlawful detainer actions; to remove the requirement that a landlord has to provide a 10-day notice to a tenant who breaches a lease; to allow for service of a summons and complaint by a private process server; to require the circuit court to expedite an unlawful detainer action which has been appealed from district court; to require a defendant who appeals a writ of restitution to pay all rent that becomes due and payable under a term of a lease; and to provide that where a defendant fails to pay rent that becomes due and payable into court, the court shall issue an order placing the plaintiff in possession of the premises.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Sims, Rogers (M), and Boyd (With Notice and Proof):

H. 590. To prohibit the Alabama Alcoholic Beverage Control Board from issuing any form of license in any municipality within Calhoun County for the retail sale of any intoxicating beverage, including, but not limited to, beer and other forms of malt beverages, wine or liquor of any kind or variety without the approval of the governing body of the county or municipality in which the retail sales are sought to be licensed, unless the denial of approval is set aside by the Circuit Court of the county in which the license site is situated as having been arbitrarily or capriciously denied by the governing body; and to provide for court jurisdiction and procedures to review a denial of municipal approval.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 590, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Rogers (J) and McAdory:

H. 591. To require a consumer credit reporting agency to remove certain information from the consumer credit report within a certain period of time.

COMMITTEE ON BANKING

By Representatives Rogers (J) and McAdory:

H. 592. Proposing an amendment to Section 65 of the Constitution of Alabama of 1901, to establish a state-operated and regulated lottery and prohibit private lotteries; to establish a Lottery Commission; to provide for the disposition of net revenues and establish certain trust funds; to permit reciprocal agreements with other states.

COMMITTEE ON TOURISM, ENTERTAINMENT
AND SPORTS

The above bill was read a first time at length as required by the Constitution.

By Representatives Sanderford, Haney, Hinshaw, Papucci, Hall (A), Jorgensen, Allen, McDaniel, Dukes, Townsend, and Gaston:

H. 593. To amend Section 40-12-126, Code of Alabama 1975, relating to licensing taxes of certain medical practitioners, to include psychologists among professions subject to a business privilege license.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Rogers (J) and McAdory:

H. 594. To provide for a state lottery and prescribe the terms and conditions for its operation; create an Alabama State Lottery Commission and provide for its composition, powers, and duties; to provide for the disposition of revenues of the lottery and a temporary line of credit for start-up costs and the repayment of start-up costs; and to prescribe penalties for certain violations.

COMMITTEE ON TOURISM, ENTERTAINMENT
AND SPORTS

By Representatives Carothers, Johnson (R), Seibenhener, and Warren:

H. 595. Relating to certain funds for public safety purposes; to amend Sections 13A-12-294, 32-2-80, 32-2-81, 32-6-5, and 33-5-55 of the Code of Alabama 1975, to clarify ambiguities concerning certain funds for public safety purposes.

COMMITTEE ON HIGHWAY SAFETY

By Representatives Moore, Clouse, McKee, Seibenhener, Sims, Hogan, Wren, Vance, Mitchell, Crigler, Dean, Hooper, Flowers, Sanderson, Gaines, Knight (A), Thomas (D), Gipson, Jorgensen, Sanderford, Hall (A), Laird, Hinshaw, Burke, Papucci, Johnson (E), and Layson:

H. 596. To further provide for the right to carry pistols; to prohibit certain persons from carrying a pistol in a vehicle or on the person; to provide exceptions; to require the destruction of all records and copies of licenses related to the licensure of pistols; and amending Sections 13A-11-72, 13A-11-73, 13A-11-74, and 13A-11-75 of the Code of Alabama of 1975, therefor.

COMMITTEE ON JUDICIARY

By Representative Hawk:

H. 597. To amend Section 32-13-1 of the Code of Alabama 1975, relating to abandoned motor vehicles, to further provide for the inclusion of house trailers in the definition of abandoned motor vehicle under certain conditions.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives Spratt, Mitchell, Houston, McAdory, Rogers (J), Starkey, Hall (A), Johnson (R), Robinson, Crigler, Clark (W), Baker, Box, Thomas (J), Maull, Bandy, Carothers, Millican, Hayden, Black (L), Burke, Hall (L), Minnifield, Hilliard, and Boyd:

H. 598. To further provide for stalking and aggravated stalking; to provide

further for the conduct of stalking or aggravated stalking if the person has been previously convicted of stalking or aggravated stalking or a violent crime involving certain victims and to provide for enhanced felony punishment.

COMMITTEE ON JUDICIARY

RESOLUTION

The following resolution was introduced:

By Representatives Curry, Sanderson, McKee, McMillan, Haney, Sanderford, Fuller, Ford, Clark (J), Collins, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.J.R. 211. CONDEMNING THE RECENT BURNING OF BLACK CHURCHES IN DALLAS AND GREENE COUNTIES.

WHEREAS, the First Amendment to the United States Constitution guarantees the free exercise of religion and the right of persons to assemble peacefully; and

WHEREAS, since December 1995, four Black churches have been burned in Greene and Dallas Counties: Little Zion Baptist Church, Mt. Zion Baptist Church, and Mt. Zoar Baptist Church near Boligee in Greene County; and New Liberty Baptist Church in Tyler, a Dallas County community; and

WHEREAS, the four church burnings are despicable and cowardly assaults on all of us and will neither be tolerated nor accepted by this Legislative Body, nor by the citizens of this state; and

WHEREAS, there is no place in Alabama for racism and acts of violence based on racial hatred; and

WHEREAS, all local, state, and federal law enforcement agencies having jurisdiction over these reprehensible attacks on houses of worship are encouraged to devote all available resources to bringing the perpetrators to justice; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby condemn the recent deplorable burning of Black churches in Greene and Dallas Counties, and hereby implore all applicable law enforcement agencies to swiftly apprehend the perpetrators of these acts.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Department of Public Safety and the Office of the Attorney General so that they may know of our sentiments and expectations regarding this critical issue.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Curry, the rules were suspended in order to take up for immediate consideration the foregoing resolution, H.J.R. 211.

RESOLUTION ADOPTED

On motion of Representative Curry, the resolution; H.J.R. 211, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Morrow, the Budget Isolation Resolution relating to the bill, H. 445, was adopted.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Buskey, Carns, Carothers, Clouse, Curry, Dean, Dolbare, Dukes, Flowers, Gaston, Gipson, Graham, Guin, Hall (A), Hawkins, Hayden, Hinshaw, Houston, Jackson, Johnson (R), Jorgensen, Laird, Lindsey, Maull, McAdory, McKee, McMillan, Millican, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parkef (P), Parker (T), Payne, Petelos, Reed, Robinson, Rogers (M), Sanderson, Smith, Thomas (J), Townsend, Turner, Turnham, Warren and Wren.

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And the bill:

H. 445. To reenact an amendment to the Constitution of Alabama of 1901, proposed by Act No. 95-224, to provide for the election of the Franklin County Superintendent of Education by the qualified electors residing in the Franklin County School system; and to ratify, validate, and confirm any actions taken pursuant to the amendment proposed by Act No. 95-224.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Dean, Dolbare, Dukes, Flowers, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawkins, Hayden, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Laird, Layson, Lindsey, Maull, McAdory, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Warren, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Baker, the Budget Isolation Resolution relating to the bill, H. 479, was adopted.

Yeas 35; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Carothers, Clouse, Dean, Dukes, Gipson, Graham, Guin, Haney, Hayden, Hinshaw, Hogan, Holmes, Johnson (R), Jorgensen, Maull, Millican, Minnifield, Moore, Murphree, Newton (C), Papucci, Petelos, Reed, Rogers (M), Seibenhener, Thomas (D), Thomas (J), Turnham, Warren and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 479. Relating to Henry County; relating to the compensation and expense allowance for the sheriff of Henry County; so as to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office of sheriff.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Buskey, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dukes, Gipson, Graham, Guin, Haney, Hayden, Hogan, Houston, Jackson, Johnson (R), Maull, McAdory, McKee, Millican, Minnifield, Moore, Murphree, Newton (C), Papucci, Petelos, Reed, Rogers (M), Seibenhener, Sims, Thomas (D), Thomas (J), Turner, Vance, Warren, Willis and Wren.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Baker, the Budget Isolation Resolution relating to the bill, H. 480, was adopted.

Yeas 38; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Box, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Dukes, Gipson, Guin, Hogan, Houston, Johnson (E), Johnson (R), Lindsey, Maull, McAdory, McMillan, Millican, Minnifield, Moore, Murphree, Newton (C), Penry, Perdue, Reed, Rogers (M), Seibenhener, Sims, Thomas (J), Turner, Turnham, Vance, Warren and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 480. Relating to Henry County; providing further for the assessment and collection of ad valorem taxes on motor vehicles; transferring certain duties and responsibilities of the revenue commissioner or tax assessor and tax collector to the judge of probate; requiring an additional bond of the judge of probate; providing for the deposit of fees and commissions in the general fund of the county.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Dolbare, Dukes, Ford, Gipson, Guin, Hayden, Hogan, Houston, Johnson (E), Johnson (R), McAdory, McKee, McMillan, Millican, Minnifield, Moore, Murphree, Newton (C), Parker (P), Parker (T), Penry, Reed, Rogers (M), Seibenhener, Sims, Thomas (J), Turner, Turnham, Vance, Venable, Warren and Willis.

-43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Black (L), the Budget Isolation Resolution relating to the bill, H. 137, was adopted.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Curry, Dukes, Gaines, Gipson, Graham, Guin, Hayden, Hill, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, Millican, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Papucci, Petelos, Reed, Rogers (M), Seibenhener, Sims, Thomas (J), Turner, Turnham, Vance, Venable, Warren and Willis.

-54

And the bill:

H. 137. Relating to the 17th Judicial Circuit composed of Greene, Marengo, and Sumter Counties; to provide a salary supplement for district and circuit judges.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Gaines, Guin, Hammett, Hayden, Hill, Hogan, Holmes, Jackson, Johnson (E), Knight (A), Knight (J), Lindsey, McClammy, Minnifield, Mitchell, Moore, Murphree, Newton (C), Papucci, Petelos, Reed, Sims, Thomas (D), Turnham, Vance, Venable, Warren, Willis and Wren.

-40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Collins, the Budget Isolation Resolution relating to the bill, H. 345, was adopted.

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Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Flowers, Gaines, Guin, Hamilton, Hammett, Hawkins, Hayden, Hill, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Millican, Mitchell, Moore, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Petelos, Reed, Sanderson, Seibenhener, Sims, Smith, Thomas (J), Turnham, Vance, Venable, Warren, Willis and Wren.

-57

And the bill:

H. 345. Relating to Lamar County; to provide for the mileage allowance of the coroner.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Curry, Gaines, Gipson, Guin, Hamilton, Hawkins, Hayden, Hill, Hogan, Holmes, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Millican, Minnifield, Mitchell, Moore, Morrison, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Petelos, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Thomas (D), Thomas (J), Turnham, Vance, Warren, Willis and Wren.

-60

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Dukes, the Budget Isolation Resolution relating to the bill, H. 354, was adopted.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Dukes, Gaines, Gipson, Guin, Hammett, Hayden, Hill, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Lindsey, Maull, McClammy, McDaniel, McKee, Murphree, Papucci, Penry, Reed, Rogers (M), Sims, Smith, Thomas (J), Turner, Turnham, Vance, Venable, Warren and Willis.

-45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 354. Relating to Morgan County; authorizing the governing bodies of the Cities of Hartselle, Falkville, and Decatur to regulate the operation of bingo games within their respective jurisdictions within the county and providing for penalties.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 1.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Curry, Dukes, Galliher, Gipson, Guin, Hammett, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Lindsey, Maull, McClammy, McKee, Minnifield, Papucci, Parker (T), Penry, Petelos, Reed, Rogers (M), Sims, Smith, Thomas (J), Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-47

Nay:

Representative Parker (P).

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Ford, the Budget Isolation Resolution relating to the bill, H. 355, was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Flowers, Ford, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hammett, Hawkins, Hill, Hinshaw, Holmes, Johnson (E), Johnson (R), Knight (A), Laird, Lindsey, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Murphree, Newton (C), Papucci, Payne, Penry, Petelos, Reed, Rogers (M), Seibenhener, Sims, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Wren.

-55

And the bill:

H. 355. Relating to Etowah County; providing that a retiring officer of the sheriff's department receives as part of his or her retirement benefits, without cost, his or her badge and pistol; and providing for retroactive effect.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Dean, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hammett, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Laird, Lindsey, Mauli, McClammy, McKee, McMillan, Millican, Minnifield, Mitchell, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Penry, Petelos, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-64

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Dukes, the Budget Isolation Resolution relating to the bill, H. 429, was adopted.

Yeas 50; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dukes, Flowers, Gaines, Guin, Hammett, Hayden, Hill, Hinshaw, Hogan, Holmes, Jackson, Johnson (R), Knight (A), Laird, Lindsey, Maull, McAdory, McMillan, Newton (C), Papucci, Parker (T), Penry, Petelos, Reed, Seibenhener, Sims, Thomas (J), Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-50

Nay:

Representatives Millican and Smith.

- 2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 429. Proposing an amendment to the Constitution of Alabama of 1901; relating to legalizing certain operations of bingo games for prizes or money for charitable or educational purposes in and the Cities of Hartselle and Falkville and that area of the City of Decatur located within the boundaries of Morgan County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 13.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Galliher, Gipson, Hall (L), Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan,

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Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Lindsey, Maull, McAdory, McClammy, McMillan, Moore, Morton, Newton (C), Page, Papucci, Parker (T), Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

-64

Nay:

Representatives Collins, Hall (A), Hamilton, Holmes, Laird, Layson, McDaniel, Millican, Minnifield, Morrison, Murphree, Parker (P) and Smith.

-13

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 464, were temporarily carried over at the request of Representative Carter.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Gaines, the Budget Isolation Resolution relating to the bill, H. 501, was adopted.

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carothers, Clark (W), Clouse, Curry, Dolbare, Gaines, Galliher, Guin, Hammett, Hill, Hinshaw, Hogan, Holmes, Johnson (R), Knight (A), Lindsey, Maull, McMillan, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Page, Parker (T), Penry, Petelos, Reed, Sanderford, Seibenhener, Sims, Smith, Thomas (J), Turnham, Vance, Venable, Warren, Willis and Wren.

-47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 501. Relating to Shelby County, and particularly School Tax District No. 2 in said County; approving an increase of the three mill district ad valorem school tax levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901, by ten mills to thirteen mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such additional ten mill tax to be levied and collected in said District by the governing body of Shelby County for each year beginning with the levy for the tax year October 1, 1995 to September 30, 1996 (the tax for which year will be due and payable October 1, 1996) and ending with the levy for the tax year October 1, 2016 to September 30, 2017 (the tax for which year will be due and payable October 1, 2017) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of School Tax District No. 2 in Shelby County at an election called and held in accordance with the applicable laws governing such elections.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Buskey, Carothers, Clark (W), Clouse, Curry, Dolbare, Flowers, Gaines, Gipson, Guin, Hammett, Hill, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Lindsey, Maull, McAdory, McMillan, Millican, Minnifield, Mitchell, Moore, Murphree, Newton (C), Page, Penry, Petelos, Pringle, Reed, Rogers (M), Seibenhener, Sims, Smith, Thomas (J), Turnham, Vance, Venable, Warren, Willis and Wren.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed House Joint Resolution with the original House Joint Resolution and finds same correctly engrossed, to-wit:

H.J.R. 49. URGING THE BOARD OF PARDONS AND PAROLES TO DEVELOP A PLEDGE RELATING TO CHILD SUPPORT.

TOMMY CARTER
Chairman

And the resolution, H.J.R. 49, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Gaines, the Budget Isolation Resolution relating to the bill, H. 502, was adopted.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Curry, Dean, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Hammett, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Lindsey, McAdory, McMillan, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Newton (C), Page, Parker (T), Penry, Petelos, Rogers (M), Seibenhener, Sims, Smith, Thomas (D), Turnham, Vance, Venable, Warren, Willis and Wren.

-56

And the bill:

H. 502. Relating to Shelby County, and particularly School Tax District No. 1 in said County; approving an increase of the three mill district ad valorem school tax levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901, by ten mills to thirteen mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such additional ten mill tax to be levied and collected in said District by the governing body of Shelby County for each year beginning with the levy for the tax year October 1, 1995 to September 30, 1996 (the tax for which year will be due and payable October 1, 1996) and ending with the levy for the tax year October 1, 2016 to September 30, 2017 (the tax for which year will be due and payable October 1, 2017) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of School Tax District No. 1 in Shelby County at an election called and held in accordance with the applicable laws governing such elections.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Box, Buskey, Carns, Carothers, Clark (W), Clouse, Curry, Dean, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hammett, Hayden, Hill, Hogan, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Lindsey, McMillan, Millican, Moore, Morrow, Murphree, Newton (C), Page, Parker (T), Penry, Petelos, Reed, Rogers (M), Seibenhener, Sims, Smith, Turnham, Vance, Warren, Willis and Wren.

-48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Sanderson, the Budget Isolation Resolution relating to the bill, H. 152, was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-76

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And the bill:

H. 152. To make it unlawful to destroy or deface traffic signs or to deface public buildings or public property; to provide that parents of minors who are convicted of destroying or defacing traffic signs or defacing public buildings or public property would be liable for the actual damages caused by the minor; and to provide for penalties.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Carns, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

-74

Nay:

Representatives Morton and Payne.

- 2

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Lindsey, the Budget Isolation Resolution relating to the bill, H. 96, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan,

Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

-86

And the bill:

H. 96. To amend Section 2-19-121 of the Code of Alabama 1975, to further provide for the definitions, including "confirmation phase" and "elimination zone," of the boll weevil eradication program; and to amend Section 2-19-134 of the Code of Alabama 1975, relating to the conduct of referendums for the boll weevil eradication program; to provide for the referendum requirements when the elimination zone is in the confirmation phase of the eradication program.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-87

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Smith, the Budget Isolation Resolution relating to the bill, H. 10, was adopted.

Yeas 83; Nays 0.

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Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-83

And the bill:

H. 10. To amend Section 36-26-36, Code of Alabama 1975, to provide further for partial payment for accrued sick leave for certain state employees.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-86

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Wren, the Budget Isolation Resolution relating to the bill, H. 135, was adopted.

Yeas 83; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hawk, Hawkins, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-83

Nay:

Representative Laird.

- 1

And the bill:

H. 135. Providing that a deferred compensation plan authorized under Sections 36-26-14 or 36-27A-2 of the Code of Alabama 1975, shall receive the same tax deferred treatment for state income tax purposes which the plan receives from the Internal Revenue Service for federal income tax purposes.

was taken up.

SUBSTITUTE OFFERED

Representative Petelos offered the following substitute to the bill, H. 135:

A BILL TO BE ENTITLED AN ACT

Providing that all deferred compensation plans for public and private employees shall receive the same tax deferred treatment for state income tax purposes which the plan receives from the Internal Revenue Service for federal income tax purposes.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Notwithstanding any other laws, all deferred compensation plans for public or private employees authorized in this state shall receive the same tax deferred treatment for state income tax purposes which the plan receives from the Internal Revenue Service for federal income tax purposes in a tax year. Contributions to such a plan which are subject to state income tax for the 1996 calendar year and prior years shall not be subject to any further state income taxation at the time of withdrawal.

Section 2. This act shall become effective on January 1, 1997, after its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 66; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Dean, Dolbare, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Moore, Morrison, Morton, Murphree, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren, Willis and Wren.

-66

Nay:

Representative Laird.

- 1

And the bill:

H. 135. Providing that all deferred compensation plans for public and private employees shall receive the same tax deferred treatment for state income tax purposes which the plan receives from the Internal Revenue Service for federal income tax purposes.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 75; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Dean, Dolbare, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-75

Nay:

Representatives Laird and Page.

- 2

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Box, the Budget Isolation Resolution relating to the bill, H. 184, was adopted.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Baker, Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, Maull, McClammy, McDaniel, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-70

And the bill:

H. 184. To provide for the Uniform Partnership Act of 1996 with Limited Liability Partnership relating to the organization and operation of a business

partnership and a limited liability partnership in Alabama; to provide generally for a partnership and a partnership agreement; to provide for the nature of a partnership and the relations of a partner to other partners, the partnership, and persons dealing with a partnership; to provide for transferees and creditors of a partner; to provide for a partner's dissociation and a partner's dissociation when a business is not wound up, and the winding up of a partnership business; to provide for conversions and mergers of partnerships; to provide for registered limited liability partnerships; to provide for the uniformity of application and construction, applicability, savings clause, composite tax returns, and taxation of a registered limited liability partnership; to repeal Sections 10-8-1 through 10-8-7; 10-8-20 and 10-8-21; 10-8-40 through 10-8-56; 10-8-70 through 10-8-73; and 10-8-90 through 10-8-103, Code of Alabama 1975; and to provide an effective date of October 1, 1996.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Sims, Smith, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-76

BUDGET ISOLATION RESOLUTION OFFERED

Representative Curry offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 29.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 210, the time to debate the bill, H. 29, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION OFFERED

Representative McMillan offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 129.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 210, the time to debate the bill, H. 129, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Dean offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 117.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 210, the time to debate the bill, H. 117, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

REPORT FILED

Pursuant to House Joint Resolution 58, Act No. 94-824, Regular Session of the 1994 Legislature, Representative Jim Haney and Senator Ted Little, Co-Chairmen, submitted the Report of the Permanent Joint Legislative Oversight Committee on Rehabilitation Services, and the report was ordered filed.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 135. Providing that all deferred compensation plans for public and private employees shall receive the same tax deferred treatment for state income tax purposes which the plan receives from the Internal Revenue Service for federal income tax purposes.

TOMMY CARTER
Chairman

And the bill, H. 135, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hammett, the Budget Isolation Resolution relating to the bill, H. 277, was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-78

And the bill:

H. 277. (With Amendment): To amend Section 31-2-60 of the Code of Alabama 1975, relating to the military department; to delete references to grade for deputy adjutants general and assistant adjutants general for the Army and Air National Guard.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend H. 277, Page 2, Section 1, Line 17, after the word "applicable" by striking the comma ,

Further amend H. 277, Page 4, Section 1, Line 5, after the word "general" by striking the word of

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 1.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, Maull, McClammy, McDaniel, McKee, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-77

Nay:

Representative Hall (L).

-1

And the bill:

H. 277. To amend Section 31-2-60 of the Code of Alabama 1975, relating to the military department; to delete references to grade for deputy adjutants general and assistant adjutants general for the Army and Air National Guard.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-83

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hammett, the Budget Isolation Resolution relating to the bill, H. 344, was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-85

And the bill:

H. 344. To authorize the Alabama National Guard to enter into an interstate compact to assist others in drug interdiction, counter-drug activities, and demand reduction; and to provide for its purposes, member parties, organization, structure, powers, and duties.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-89

BUDGET ISOLATION RESOLUTION OFFERED

Representative Reed offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 1.

MOTION TO ADJOURN LOST

The motion offered by Representative Seibenhener that the House adjourn until 1:00 o'clock p.m., Wednesday, March 6, 1996, was lost.

Yeas 23; Nays 54.

Yea:

Representatives Carns, Crigler, Curry, Dolbare, Gaines, Hamilton, Haney, Hawkins, Jorgensen, Knight (A), Laird, Layson, McKee, Moore, Morton, Payne, Petelos, Sanderford, Sanderson, Seibenhener, Sims, Thomas (D) and Townsend.

-23

Nay:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carothers, Clark (W), Clouse, Dukes, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Johnson (E), Johnson (R), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Mitchell, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Pringle, Reed, Robinson, Spratt, Thomas (J), Turner, Vance, Warren, Willis and Wren.

-54

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

The question was then on the adoption of the Budget Isolation Resolution previously offered by Representative Reed to the bill, H. 1, and the Budget Isolation Resolution was adopted.

Yeas 46; Nays 19.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Dean, Dukes, Flowers, Ford, Galliher, Graham, Hall (A), Hall (L), Hayden, Hilliard, Hinshaw, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (J), Lindsey, Maull, McAdory, McClammy,

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McMillan, Mitchell, Morrow, Page, Papucci, Pringle, Reed, Robinson, Rogers (J), Spratt, Thomas (J), Turner and Warren.

-46

Nay:

Representatives Carns, Collins, Crigler, Dolbare, Hamilton, Haney, Jorgensen, Laird, Layson, McDaniel, Millican, Morrison, Murphree, Payne, Sanderford, Sims, Smith, Thomas (D) and Townsend.

-19

And the bill:

H. 1. To authorize the operator of the greyhound racetrack licensed by the Macon County Racing Commission to transmit televised racing events to other racetracks in the State of Alabama and to locations outside the state for pari-mutuel wagering thereon and to create and administer pari-mutuel pools that include bettors at locations receiving the televised racing events; to authorize the operator of the racetrack licensed by the Macon County Racing Commission to receive televised racing events from racetracks in the state and outside the state for pari-mutuel wagering thereon, to conduct pari-mutuel wagering on such racing events, and to participate in pari-mutuel pools that include bettors on such racing events at other locations; to facilitate pari-mutuel wagering on both live and televised racing events by prescribing new schedule of takeouts from pari-mutuel pools that are permitted to be withdrawn by the operator of the greyhound racetrack licensed by the Macon County Racing Commission; to provide for changing the hours of operation for the racetrack licensed by the Macon County Racing Commission; and to amend Act No. 83-575 to modify the compensation and expense allowances of members of the Macon County Racing Commission.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Tourism, Entertainment and Sports, said committee amendment being as follows:

Amend H. 1 on Page 7, Line 11, after the word "desirable" by adding the following: , however in no event shall the racing commission be authorized to allow live greyhound racing and/or televised horse or greyhound racing and pari-mutual wagering thereon to be conducted after 2:00 AM on Sunday

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 62; Nays 8.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hayden, Hill, Hilliard, Hinshaw, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Moore, Morrow, Page, Papucci, Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderson, Spratt, Thomas (J), Townsend, Turner and Warren.

-62

Nay:

Representatives Crigler, Haney, McDaniel, Morrison, Morton, Murphree, Sanderford and Sims.

- 8

And the bill:

H. 1. To authorize the operator of the greyhound racetrack licensed by the Macon County Racing Commission to transmit televised racing events to other racetracks in the State of Alabama and to locations outside the state for pari-mutuel wagering thereon and to create and administer pari-mutuel pools that include bettors at locations receiving the televised racing events; to authorize the operator of the racetrack licensed by the Macon County Racing Commission to receive televised racing events from racetracks in the state and outside the state for pari-mutuel wagering thereon, to conduct pari-mutuel wagering on such racing events, and to participate in pari-mutuel pools that include bettors on such racing events at other locations; to facilitate pari-mutuel wagering on both live and televised racing events by prescribing new schedule of takeouts from pari-mutuel pools that are permitted to be withdrawn by the operator of the greyhound racetrack licensed by the Macon County Racing Commission; to provide for changing the hours of operation for the racetrack licensed by the Macon County Racing Commission; and to amend Act No. 83-575 to modify the compensation and expense allowances of members of the Macon County Racing Commission.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 46; Nays 30.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Dean, Dukes, Flowers, Ford, Graham, Hall (A), Hall (L), Hayden, Hilliard, Hinshaw, Holmes, Hooper, Houston, Jackson, Johnson (E), Knight (J), Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Morrow, Page, Papucci, Perdue, Pringle, Reed, Robinson, Rogers (J), Spratt, Thomas (J), Turner and Warren.

-46

Nay:

Representatives Allen, Carns, Collins, Crigler, Curry, Dolbare, Gaines, Guin, Hamilton, Haney, Laird, Layson, McDaniel, McKee, Millican, Moore, Morrison, Morton, Murphree, Parker (P), Payne, Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turnham and Wren.

-30

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Black (L), the Budget Isolation Resolution relating to the bill, H. 210, was adopted.

Yeas 43; Nays 19.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Dean, Dukes, Ford, Galliher, Graham, Hall (L), Hayden, Hilliard, Hinshaw, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (J), Lindsey, Maull, McAdory, McClammy, Minnifield, Papucci, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Spratt, Thomas (J), Turner and Vance.

-43

Nay:

Representatives Carns, Collins, Crigler, Dolbare, Guin, Hamilton, Haney, Laird, Layson, McDaniel, Millican, Morrison, Murphree, Payne, Sanderford, Sims, Smith, Thomas (D) and Townsend.

-19

And the bill:

H. 210. To amend Act No. 376 of the 1975 Legislature relating to the Greene County Racetrack and pari-mutuel wagering in Greene County to provide for televised racing events and pari-mutuel wagering on greyhound racing and horse racing; to provide for combined pari-mutuel pools and takeout for televised racing events; to levy state and local taxes on pari-mutuel wagering; to change the number of racing days; to change the hours for racing; and to repeal the admission fee.

was taken up.

AMENDMENT OFFERED

Representative Payne offered the following amendment to the bill, H. 210:

Amend H. 210 on page 8, line 22 after the word "desirable" by adding the following: ", however in no event shall the racing commission be authorized to allow live greyhound racing and/or televised horse or greyhound racing and pari-mutuel wagering thereon to be conducted after 2:00 a.m. on Sunday."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 78; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Graham, Hall (A), Hall (L), Hamilton, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McKee, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren, Willis and Wren.

-78

Nay:

Representative Guin.

- 1

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Guin inadvertently voted "Nay" and intended to vote "Yea" on the amendment offered by Representative Payne to the bill, H. 210.

And the bill:

H. 210. To amend Act No. 376 of the 1975 Legislature relating to the Greene County Racetrack and pari-mutuel wagering in Greene County to provide for televised racing events and pari-mutuel wagering on greyhound racing and

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horse racing; to provide for combined pari-mutuel pools and takeout for televised racing events; to levy state and local taxes on pari-mutuel wagering; to change the number of racing days; to change the hours for racing; and to repeal the admission fee.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 41; Nays 27.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Dean, Dukes, Flowers, Ford, Hall (L), Hayden, Hilliard, Hinshaw, Holmes, Hooper, Jackson, Johnson (E), Knight (J), Lindsey, Maull, McAdory, McClammy, Minnifield, Page, Papucci, Perdue, Petelos, Pringle, Reed, Rogers (J), Sanderson, Spratt, Thomas (J), Turner and Warren.

-41

Nay:

Representatives Allen, Carns, Collins, Crigler, Curry, Dolbare, Gaines, Guin, Hamilton, Haney, Laird, Layson, McDaniel, McKee, Millican, Morrison, Morton, Murphree, Parker (P), Payne, Sanderford, Seibenhener, Sims, Smith, Thomas (D), Townsend and Wren.

-27

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turnham, the Budget Isolation Resolution relating to the bill, H. 82, was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Box, Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-82

And the bill:

H. 82. To provide for the revocation of the driver's license of a noncustodial parent who is six months or more delinquent in the payment of court-ordered child support by a court of competent jurisdiction.

was taken up.

SUBSTITUTE OFFERED

Representative Turnham offered the following substitute to the bill, H. 82:

A BILL TO BE ENTITLED AN ACT

To provide for the suspension or revocation of drivers' licenses for the failure to pay child support, and to establish criteria for reissuing the licenses.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. When used in this act, the following words shall have the following meanings:

(1) **COURT.** A court of competent jurisdiction or administrative agency having the authority to issue and enforce support orders.

(2) **DELINQUENT OR DELINQUENCY.** A support debt or support obligation due and unpaid in an amount equal to or greater than six months support payments as of the date of service of a notice of intent to suspend or revoke a license.

(3) **DEPARTMENT.** The Alabama Department of Human Resources, including the county departments of human resources.

(4) **LICENSE.** Any license, certificate, registration, or authorization issued by a licensing authority which grants a person a right or privilege to operate a motor vehicle.

(5) **LICENSEE.** The holder of a license.

(6) LICENSING AUTHORITY. The Department of Public Safety.

(7) OBLIGEE. Either of the following:

a. A person to whom support benefits are ordered by the court.

b. A public agency of this or another state that has the right to receive support payments or otherwise is providing support enforcement services under Title IV-D of the Social Security Act. The term shall include the department.

(8) OBLIGOR. A person ordered by a court to make periodic payments for the benefit and support of another person or child.

(9) SUPPORT OR SUPPORT ORDER. Support of a minor child and spousal support when the spousal support is collected pursuant to the requirements of Title IV-D of the Social Security Act. Support order shall mean any order, decree, or judgment for the support of a child, or in the case of an order being enforced pursuant to the requirements of Title IV-D of the Social Security Act, a spouse, or former spouse, issued by a court or other entity authorized to issue the orders.

Section 2. Upon application to the department for support services by an obligee alleging the existence of a delinquency, the department may, upon an administrative determination that there is a delinquency, issue a notice of intent to suspend a license. The notice shall be served upon the obligor personally or by certified mail or as otherwise provided in the Alabama Rules of Civil Procedure. The notice shall state that licenses granted by Alabama licensing authorities of the State of Alabama and held by the obligor may be suspended 60 days after service unless, within that time, the obligor does one of the following:

(1) Pays the entire support debt stated in the notice.

(2) Enters into a payment plan approved by the department or its agent.

(3) Requests an administrative hearing within 15 days of receipt of the notice in order to appear and show cause why suspension of the license is not appropriate.

Section 3. (a) Upon receipt of a request for a hearing, the department shall schedule a hearing for the purpose of determining if suspension of the obligor's license is appropriate. The department shall stay suspension of the license

pending the outcome of the hearing. The hearing shall be for the purpose of contesting the determination of the department of all of the following:

(1) That the obligor is at least six months delinquent in child support payments.

(2) That the obligor has not entered into a payment plan approved by the department.

(3) That the suspension of the license is appropriate. No evidence with respect to the appropriateness of the support order or the ability of the obligor to comply with the support order shall be received or considered at the hearing.

(b) If the obligor fails to respond to the notice of intent to suspend a license, fails to timely request a hearing, or fails to appear at a scheduled hearing, the obligor's defenses, objections, or request for a payment plan shall be considered to be without merit and the department or its agent shall enter a final decision accordingly.

(c) If the department or its agent determines that the obligor is delinquent in making support payments and that the obligor has not entered into a payment plan, the department or its agent shall notify the obligor of the department's decision and the obligor's right to seek judicial review of the decision pursuant to the Alabama Administrative Procedure Act by filing a notice of appeal and a cost bond with the department within 30 days of receipt of the agency's decision. A petition for review shall be filed in the circuit court of Montgomery County or the circuit court of the county where a party resides. The filing of a notice of appeal will result in an automatic stay of suspension of the obligor's license pending the outcome of the appeal.

(d) If the requirements for seeking judicial review are not met within 30 days, the department shall send a notice to the licensing authority instructing it to suspend the obligor's license. A determination of the department is independent of any proceeding of the licensing authority to suspend, revoke, deny, terminate, renew, or issue a license.

Section 4. If the obligor has received two suspensions of a license pursuant to this act within the previous 12 months, upon a third finding of delinquency pursuant to this act, the department shall send to the obligor a notice of intent to revoke a license. In that case, the notice sent by the department to the licensing authority shall instruct the licensing authority to revoke the license. The notice and hearing provisions of Sections 2 and 3 shall apply to the revocation of a license.

Section 5. (a) Upon receipt of a notice from the department or its agent to suspend or revoke a license, a licensing authority shall implement the suspension or revocation of the license by doing all of the following:

(1) Determining that it has issued a license to the obligor whose name appears on the notice.

(2) Entering the suspension or revocation on the appropriate records.

(3) If required by law, demanding surrender of the suspended or revoked license.

(b) A notice issued by the department or its agent to suspend or revoke a license shall be processed by the licensing authority without any additional review or hearing by the licensing authority. The licensing authority shall have no jurisdiction to modify, reword, reverse, vacate, or stay the decision of the department or its agent.

(c) Any decision issued by the department or its agent to suspend or revoke a license continues until the department or its agent advises the licensing authority that the decision to suspend or revoke has been stayed or is no longer in effect. While the department's decision is in effect, the licensing authority may not issue, reissue, or renew the obligor's license.

(d) The licensing authority is exempt from any liability to the licensee for activities conducted in compliance with this act.

Section 6. (a) When, following the suspension of a license, the department or its agent determines that the support debt or support obligation has been paid in full or a satisfactory payment plan has been negotiated, the department or its agent, at the request of the obligor, shall send notice requesting reinstatement of the license to the licensing authority and the obligor. Notice to the licensing authority to reinstate the license shall not limit the ability of the department or its agent to issue a new decision and notice in the event of another delinquency.

(b) When a license has been revoked pursuant to Section 4, the obligor may obtain a new license only if the department, upon request of the obligor, makes a determination and notifies the licensing authority that the obligation has

been paid in full or a satisfactory payment plan is in place and the obligor is complying with the plan. Upon receipt of the notification, the licensing authority may issue a new license pursuant to the statutes or regulations governing the reissuance of a license by the licensing authority.

Section 7. Notwithstanding any other provisions of law, the licensing authority may charge the obligor a fee to cover administrative costs incurred by the licensing authority in carrying out this act, which fee is to be used exclusively by the licensing authority for the purpose of administering this act. In the event that a license is suspended or revoked, any monies paid by the obligor to the licensing authority for costs related to its issuance, reissuance, renewal, or maintenance shall not be refunded to the obligor.

Section 8. In addition to the foregoing provisions of this act, if the obligor is brought before a circuit, district, or juvenile court having jurisdiction on a contempt petition, and it is shown by the department or its agent or by an obligee or counsel for an obligee who is not a recipient of services of the department, that the obligor has failed to follow previous orders of the court, then the court may, in addition to any other remedies, order the suspension, revocation, forfeiture, or termination of the obligor's license or licenses as defined by this act. When a suspension, revocation, forfeiture, or termination of any license occurs pursuant to this section, the foregoing provisions of this act pertaining to the duties and authority of the licensing agency shall apply.

Section 9. This act shall apply to support ordered by a court of this or any other state, territory, or district of the United States including support ordered by any administrative agency having the authority to issue a support order.

Section 10. It is the intent of the Legislature that this act provide for the suspension or revocation of drivers' licenses for the failure to pay child support.

Section 11. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 12. This act shall become effective six months after its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

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Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Clark (W), Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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And the bill:

H. 82. To provide for the suspension or revocation of drivers' licenses for the failure to pay child support, and to establish criteria for reissuing the licenses.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Layson:

H.R. 212. COMMENDING SALEM NURSING HOME AND REHABILITATION CENTER, ITS STAFF, AND VOLUNTEERS.

Also:

By Representative Layson:

H.R. 213. COMMENDING THE PICKENS COUNTY HIGH SCHOOL SCHOLARS BOWL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representative Layson:

H.R. 214. COMMENDING ALICEVILLE MANOR NURSING HOME, ITS STAFF, AND VOLUNTEERS.

Also:

By Representative Box:

H.R. 215. COMMENDING LIEUTENANT FRANK JACKSON ON HIS OUTSTANDING CAREER ACHIEVEMENTS.

Also:

By Representative Black (M):

H.R. 216. COMMENDING LEON DOUGLAS ON HIS INDUCTION INTO THE ALABAMA SPORTS HALL OF FAME.

Also:

By Representative Turnham:

H.R. 217. MOURNING THE DEATH OF DR. M. CECIL MAYFIELD OF AUBURN, ALABAMA.

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Also:

By Representative Hammett:

H.R. 218. COMMENDING THE STRAUGHN HIGH SCHOOL LADY TIGERS BASKETBALL TEAM ON ITS 1996 2A GIRLS SOUTHWEST REGIONAL CHAMPIONSHIP.

Also:

The following resolutions were introduced:

By Representatives McMillan and Turner:

H.J.R. 219. EXPRESSING THE INTENT OF THE LEGISLATURE THAT ALABAMA BE WITHDRAWN FROM PROGRAMS FUNDED UNDER THE GOALS 2000/EDUCATE AMERICA ACT AND URGING THE STATE BOARD OF EDUCATION TO SUPPORT SUCH ACTION TAKEN BY GOVERNOR JAMES.

The resolution, H.J.R. 219, was read and referred to the Standing Committee on Rules.

Also:

By Representative Box:

H.J.R. 220. COMMENDING LIEUTENANT FRANK JACKSON ON HIS OUTSTANDING CAREER ACHIEVEMENTS.

The resolution, H.J.R. 220, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Allen, Guin, Melton, Parker (T), Hayden and Layson:

H.J.R. 221. COMMENDING MERCEDES-BENZ U.S. INTERNATIONAL AND ITS PRESIDENT AND CEO, ANDREAS RENSCHLER.

The resolution, H.J.R. 221, was read and referred to the Standing Committee on Rules.

Also:

By Representative Black (M):

H.J.R. 222. COMMENDING LEON DOUGLAS ON HIS INDUCTION INTO THE ALABAMA SPORTS HALL OF FAME.

The resolution, H.J.R. 222, was read and referred to the Standing Committee on Rules.

Also:

By Representative Carns:

H.J.R. 223. MOURNING THE DEATH OF CECIL MAXIE JONES, SR. OF PRATTVILLE, ALABAMA.

The resolution, H.J.R. 223, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hinshaw:

H.J.R. 224. COMMENDING DR. DANNY BLANCHARD FOR OUTSTANDING SERVICE TO THE HUNTSVILLE COMMUNITY AND STATE OF ALABAMA.

The resolution, H.J.R. 224, was read and referred to the Standing Committee on Rules.

Also:

By Representative Johnson (R):

H.J.R. 225. HONORING MRS. MAUDE EVELYN MCINTOSH DEAS ON THE OCCASION OF HER BIRTHDAY.

The resolution, H.J.R. 225, was read and referred to the Standing Committee on Rules.

ADJOURNMENT

On motion of Representative Hammett, the House adjourned until 1:30 o'clock p.m., Wednesday, March 6, 1996.

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EIGHTH DAY

**House of Representatives
Montgomery, Alabama
Wednesday, March 6, 1996**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Representative Jeff Dolbare.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Cassie Cromer, 10th Grade, White Plains High School, Anniston, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventh legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the seventh legislative day was dispensed with.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 226. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the eighth legislative day, Wednesday, March 6, 1996, taking precedence over the regular order of business or any pending or unfinished business:

And the Following Bills:

Inst Id	Page
H. 351 - By Carothers (As Substituted)	58
Cigarettes, sale at below cost prohib., penalties provided, Revenue Dept. to enforce	
H. 347 - By Rogers (J) (As Amended)	58
Alcoholic beverages, cider, sale of, reg., taxed, Secs. 28-3-1, 28-7-16 am'd.	
H. 123 - By Fuller	59
Children's Advocacy Centers, Inc., approp.	
H. 303 - By Kennedy	60
Alabama's Junior Miss Pageant, approp.	

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H. 304 - By Fuller (As Amended) 60

Tri-Rivers Waterway Development Authority, approp.

H. 305 - By Fuller 61

Commission on Aging, Care Assurance System, approp.

H. 307 - By Haney 61

Lighthouse Counseling Center, approp.

H. 314 - By Curry 62

Beacon House-Jasper, approp.

H. 315 - By Curry 62

Parkinson Association, approp.

H. 319 - By Fuller (As Substituted) 63

Council on Child Abuse, approp.

H. 322 - By Fuller (As Substituted) 63

Coalition Against Domestic Violence, approp.

H. 323 - By Fuller 64

Elyton Recovery Center, approp.

H. 325 - By Fuller (As Amended) 64

Coosa-Alabama River Improvement Association, approp.

H. 326 - By Curry (As Substituted) 65

Travel Council, approp.

H. 328 - By Fuller (As Amended) 65

Warrior-Tombigbee Waterway Development Association,
approp.

H. 332 - By Fuller 66

Retired Senior Volunteer Program, approp.

H. 335 - By Haney	66
Shoals Entrepreneurial Center, approp.	
H. 336 - By Curry.(As Amended)	67
Alabama Kidney Foundation, Inc., approp.	
H. 301 - By Fuller (As Amended and Substituted)	59
General fund budget, appropriation for ordinary expenses of executive, legislative, and judicial departments	
H. 139 - By Wren (As Substituted)	57
General Fund Proration Prevention Act of 1996 and General Fund Proration Prevention Account estab., methods for withdrawal, repayment and accrual of interest, excess money to revert to account	
On motion of Representative Carter, the resolution, H.R. 226, was adopted.	

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 277. To amend Section 31-2-60 of the Code of Alabama 1975, relating to the military department; to delete references to grade for deputy adjutants general and assistant adjutants general for the Army and Air National Guard.

TOMMY CARTER
Chairman

And the bill, H. 277, as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 82. To provide for the suspension or revocation of drivers' licenses for the failure to pay child support, and to establish criteria for reissuing the licenses.

TOMMY CARTER
Chairman

And the bill, H. 82, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 1. To authorize the operator of the greyhound racetrack licensed by the Macon County Racing Commission to transmit televised racing events to other racetracks in the State of Alabama and to locations outside the state for pari-mutuel wagering thereon and to create and administer pari-mutuel pools that include bettors at locations receiving the televised racing events; to authorize the operator of the racetrack licensed by the Macon County Racing Commission to receive televised racing events from racetracks in the state and outside the state for pari-mutuel wagering thereon, to conduct pari-mutuel wagering on such racing events, and to participate in pari-mutuel pools that include bettors on such racing events at other locations; to facilitate pari-mutuel wagering on both live and televised racing events by prescribing new schedule of takeouts from pari-mutuel pools that are permitted to be withdrawn by the operator of the greyhound racetrack licensed by the Macon County Racing Commission; to provide for changing the hours of operation for the racetrack licensed by the Macon County Racing Commission; and to amend Act No. 83-575 to modify the compensation and expense allowances of members of the Macon County Racing Commission.

TOMMY CARTER
Chairman

And the bill, H. 1, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 210. To amend Act No. 376 of the 1975 Legislature relating to the Greene County Racetrack and pari-mutuel wagering in Greene County to provide for televised racing events and pari-mutuel wagering on greyhound racing and horse racing; to provide for combined pari-mutuel pools and takeout for televised racing events; to levy state and local taxes on pari-mutuel wagering; to change the number of racing days; to change the hours for racing; and to repeal the admission fee.

TOMMY CARTER
Chairman

And the bill, H. 210, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Carothers offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 351.

MOTION TO CARRY OVER TABLED

On motion of Representative Carothers, the motion offered by Representative Payne to carry over the bill, H. 351, and the pending Budget Isolation Resolution to the tenth legislative day was tabled.

Yeas 46; Nays 33.

Yea:

Mr. Speaker, Baker, Burke, Carothers, Clouse, Dolbare, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Laird, Lindsey, McClammy, Millican, Morrow, Newton (C), Parker (P), Parker (T), Penry, Robinson, Smith, Spratt, Turner, Vance, Venable, Warren, White and Willis.

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Nay:

Representatives Allen, Bandy, Black (M), Buskey, Carns, Collins, Curry, Dean, Dukes, Gaines, Haney, Hawkins, Hill, Jorgensen, Knight (A), McAdory, McDaniel, McKee, McMillan, Mitchell, Murphree, Papucci, Payne, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sims, Starkey, Thomas (D), Townsend and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the motion offered by Representative Carothers to adopt the Budget Isolation Resolution relating to the bill, H. 351, and the Budget Isolation Resolution was adopted.

Yeas 57; Nays 38.

Yea:

Mr. Speaker, Baker, Black (L), Boyd, Burke, Carothers, Clark (W), Clouse, Dolbare, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Lindsey, Maull, McClammy, Melton, Millican, Morrison, Morrow, Murphree, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Perdue, Reed, Robinson, Rogers (J), Smith, Spratt, Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

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Nay:

Representatives Allen, Bandy, Black (M), Box, Buskey, Carns, Collins, Curry, Dean, Dukes, Ford, Gaines, Hamilton, Haney, Hawkins, Jorgensen, Knight (A), Laird, Layson, McAdory, McDaniel, McKee, McMillan, Minnifield, Morton, Page, Papucci, Payne, Petelos, Pringle, Rogers (M), Sanderford, Seibenhener, Sims, Starkey, Thomas (D), Townsend and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 203. CONDEMNING THE ATTACK UPON JUDGE EDDIE HARDAWAY'S HOME AND CALLING UPON GOVERNOR JAMES AND PUBLIC SAFETY DIRECTOR MITCHELL TO USE EVERY AVAILABLE RESOURCE TO APPREHEND THE ASSAILANTS.

Also:

H.J.R. 211. CONDEMNING THE RECENT BURNING OF BLACK CHURCHES IN DALLAS AND GREENE COUNTIES.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 10. COMMENDING CHARLES MCDONALD FOR 25 YEARS OF OUTSTANDING SERVICE WITH THE ALABAMA RETAIL ASSOCIATION.

Also:

S.J.R. 13. COMMENDING THE ALABAMA FEDERATION OF WOMEN'S CLUBS FOR 100 YEARS OF SERVICE TO ALABAMA CITIZENS.

Also:

S.J.R. 16. MOURNING THE DEATH OF HOVEY CROMER OF ALEXANDER CITY, ALABAMA.

Also:

S.J.R. 23. MOURNING THE DEATH OF RALPH W. SEARS.

Also:

S.J.R. 26. CONGRATULATING PIZITZ MIDDLE SCHOOL OF VESTAVIA HILLS, ALABAMA, AS RECIPIENT OF THE NATIONAL BLUE RIBBON SCHOOL OF EXCELLENCE AWARD.

Also:

S.J.R. 27. COMMENDING JAMES D. ELROD FOR OUTSTANDING SERVICE AS LEGISLATIVE DIRECTOR OF THE UNITED TRANSPORTATION UNION FOR THE STATE OF ALABAMA.

Also:

S.J.R. 30. DESIGNATING THE RALPH W. SEARS MEMORIAL HIGHWAY.

Also:

S.J.R. 34. COMMENDING DAVID R. BELCHER OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING PROFESSIONAL AND CIVIC ACHIEVEMENTS.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 203. CONDEMNING THE ATTACK UPON JUDGE EDDIE HARDAWAY'S HOME AND CALLING UPON GOVERNOR JAMES AND PUBLIC SAFETY DIRECTOR MITCHELL TO USE EVERY AVAILABLE RESOURCE TO APPREHEND THE ASSAILANTS.

Also:

H.J.R. 211. CONDEMNING THE RECENT BURNING OF BLACK CHURCHES IN DALLAS AND GREENE COUNTIES.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

H. 351 TAKEN UP

And the bill:

H. 351. (With Substitute): To prohibit the sale of cigarettes at below cost with intent to injure competitors or destroy or substantially lessen competition among cigarette sellers; to provide penalties for violations; and to provide for enforcement by the Commissioner of the Alabama Department of Revenue.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To prohibit the sale of cigarettes at below cost with intent to injure competitors or destroy or substantially lessen competition among cigarette sellers; to provide penalties for violations; to repeal Section 40-25-5, Code of Alabama 1975; to distribute the revenue generated by the repeal of the discount; and to provide for enforcement by the Commissioner of the Alabama Department of Revenue.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be cited as the Unfair Cigarette Sales Act.

Section 2. It is the intent of the Legislature to safeguard the public against the creation or perpetuation of monopolies and to foster and encourage competition by prohibiting unfair and discriminatory practices by which fair and honest competition is destroyed or prevented. The Legislature finds that the advertising, offering for sale, or sale of cigarettes below cost in the retail and wholesale trades with the intent of injuring competitors or destroying or substantially lessening competition is an unfair business practice. The purpose of this act is to promote the public welfare through the prohibition of the sales.

Section 3. Unless the context clearly indicates otherwise, the following terms shall have the following meanings for purposes of this act:

(1) **BASIC COST OF CIGARETTES.** The invoice cost of cigarettes to the retailer, distributor, or wholesaler or the replacement cost of cigarettes to the retailer, distributor, or wholesaler within 30 days prior to the date of sale, in the quantity last purchased, whichever is lower, less any cash discounts or concessions of any kind, to which shall be added:

a. Except with respect to distributors, the face value of any stamps which may be required by any cigarette tax law of this state now in effect or hereafter enacted, less any stamping discounts (which shall be included as a cost of doing business).

b. Any other taxes or fees imposed, if not already included in the manufacturer's list price.

(2) **CIGARETTES.** Any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether or not the tobacco is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco.

(3) **COMMISSIONER.** The Commissioner of the Department of Revenue of the State of Alabama.

(4) **COST OF DOING BUSINESS BY THE DISTRIBUTOR.**

a. The actual cost of the distributor doing business with respect to its cigarette product line as evidenced by the standards and methods of accounting regularly employed by the distributor in its determination of costs for income tax purposes, provided that the distributor keeps separate records for its cigarette product line. The costs shall include, without limitation, labor costs, including salaries of executives and officers; rent; depreciation; selling costs; maintenance of equipment; delivery costs; all types of licenses; business taxes; insurance; and advertising.

b. In the absence of proof of a lesser or a higher cost of doing business by the distributor making the sale, the cost shall be presumed to be three percent of the basic cost of cigarettes to the distributor, plus cartage to the retail outlet.

(5) **COST OF DOING BUSINESS BY THE RETAILER.**

a. The retailer's actual cost of doing business with respect to its cigarette product line as evidenced by the standards and methods of accounting regularly employed by the retailer in its determination of costs for income tax purposes, provided that the retailer keeps separate records for its cigarette product line. The costs shall include, without limitation, labor costs, including specifically, salaries of executives and officers; rent; depreciation; selling costs; maintenance of equipment; delivery costs; all types of licenses; business taxes; insurance; and advertising.

b. In the absence of proof of a lesser or higher cost of doing business by the retailer making the sale, the cost of doing business by the retailer shall be presumed to be eight percent of the basic cost of cigarettes to the retailer.

c. In the absence of proof of a lesser or higher cost of doing business, the cost of doing business by the retailer who, in connection with the retailer's purchase, received not only the discounts ordinarily allowed upon purchases by a retailer but also, in whole or in part, the discounts ordinarily allowed upon purchases by a wholesaler, shall be presumed to be eight percent of the sum of the basic costs of cigarettes and the cost of doing business by the wholesaler.

(6) COST OF DOING BUSINESS BY THE WHOLESALER.

a. The wholesaler's actual cost of doing business with respect to its cigarette product line, as evidenced by the standards and methods of accounting regularly employed by the wholesaler in its determination of costs for income tax purposes, provided that the wholesaler keeps separate records for its cigarette product line. The costs shall include, without limitation: labor costs, including specifically, salaries of executives and officers; rent; depreciation; selling costs; maintenance of equipment; delivery costs; all types of licenses; business taxes; insurance; and advertising.

b. In the absence of proof of a lesser or higher amount, the cost of doing business by the wholesaler shall be presumed to be six and one-half percent of the basic cost of cigarettes to the wholesaler, plus cartage to the retail outlet, if performed or paid by the wholesaler. In the absence of proof of a higher or lower cost, the cartage cost shall be deemed to be one-half of one percent of the basic costs of cigarettes to the wholesaler.

(7) COST TO THE DISTRIBUTOR. The basic cost of cigarettes to the distributor plus the cost of doing business by the distributor.

(8) COST TO THE RETAILER. The basic cost of cigarettes to the retailer plus the cost of doing business by the retailer.

(9) COST TO THE WHOLESALER. The basic cost of cigarettes to the wholesaler plus the cost of doing business by the wholesaler.

(10) DISTRIBUTOR. Any person, including a subjobber, who purchases stamped cigarettes from wholesalers for resale to retailers. A distributor does not maintain an established place of business for the purchase of cigarettes or maintain warehousing facilities for the storage and distribution of cigarettes.

(11) PERSON. Every individual, firm, association, company, partnership, corporation, joint stock company, club, agency, syndicate, trust, receiver, trustee, fiduciary, and conservator.

(12) RETAILER. Any person who operates a store, stand, booth, cigarette machine, or concession for the purpose of making sales of cigarettes at retail.

(13) **WHOLESALER.** Any person who purchases cigarettes directly from the manufacturer or purchases cigarettes from any other person who purchases from the manufacturer and who acquires cigarettes solely for the purpose of bona fide resale to retail dealers. The term wholesaler shall include any person who services retail outlets by the maintenance of an established place of business for the purchase of cigarettes, including, but not limited to, the maintenance of warehousing facilities for the storage and distribution of cigarettes. Nothing contained herein shall prevent a person from qualifying in different capacities as both a wholesaler and a retailer under the applicable provisions of this act.

Section 4. (a) The following acts shall be unlawful:

(1) For a retailer to advertise, offer to sell, or sell at retail, cigarettes at less than the cost to the retailer with the intent to injure competitors or destroy or substantially lessen competition.

(2) For a distributor to advertise, offer to sell, or sell cigarettes at less than the cost to the distributor with the intent to injure competitors or substantially lessen competition.

(3) For a wholesaler to advertise, offer to sell, or sell at wholesale, cigarettes at less than cost to the wholesaler with the intent to injure competitors or destroy or substantially lessen competition.

(4) For a retailer to induce or attempt to induce, or procure or attempt to procure, the purchase of cigarettes at a price less than the cost to the distributor or wholesaler, or to induce or attempt to induce, or procure or attempt to procure, any rebate or concession of any kind or nature whatsoever in connection with the sale of cigarettes, from the distributor or wholesaler.

(b) Any contract, express or implied, made by any person, firm, or corporation in violation of this act shall be illegal and void, and no recovery shall be allowed on the contract.

(c) Evidence of advertisement, offering to sell, or sale of cigarettes by any retailer, distributor, or wholesaler at less than cost to the retailer or wholesaler shall be prima facie evidence of both a violation of this act and intent to injure competitors or substantially destroy or lessen competition.

(d) Any retailer, distributor, or wholesaler who violates any of the provisions of this act shall be guilty of a Class A misdemeanor. Any individual who, as a director, officer, partner, member, or agent of any person violating this act, directly or indirectly, assists or aids in a violation shall likewise be guilty of a Class A misdemeanor.

Section 5. (a) The Department of Revenue of the State of Alabama, acting through its commissioner, shall administer and enforce this act. The commissioner shall have the power to adopt, amend, and repeal rules and regulations

necessary to enforce and administer the provisions of this act. The commissioner shall also have full power and authority to impose fines and to suspend or revoke the license of any retailer or wholesaler for the following violations of this act:

(1) A fine of not more than one thousand dollars (\$1,000) shall be imposed on the retailer, distributor, or wholesaler for an initial violation of this act.

(2) A fine of not more than five thousand dollars (\$5,000) shall be imposed on the retailer, distributor, or wholesaler for a second or subsequent violation of this act.

(3) In addition to the above fines, the cigarette license of any retailer, distributor, or wholesaler who commits more than one violation of this act is subject to suspension or revocation by the commissioner. No license shall be suspended or revoked except upon notice to the licensee and after a hearing held in accordance with the provisions of the Alabama Administrative Procedure Act. If, following the notice and hearing, the commissioner finds that the licensee has committed a second violation of this act, the commissioner shall suspend the licensee's license for a period not to exceed 30 days. If the commissioner finds that the licensee has committed a third or subsequent violation of this act, the commissioner shall revoke the license of the licensee.

(4) Any person whose license is suspended or revoked pursuant to this section who continues to engage in the unauthorized sale, distribution, or handling of cigarettes in this state, either directly or through any agent or third party acting on behalf of that person, shall be charged with an additional violation of this act.

(5) Any person whose license has been revoked pursuant to this section may, at the expiration of one year, apply to the commissioner for reinstatement of the license. The license may be reinstated by the commissioner if it shall appear to the commissioner that the licensee will comply with the provisions of this act and the rules promulgated thereunder.

(b) Any person who is injured by an alleged violation of this act may file a complaint with the Department of Revenue asking the commissioner to investigate the alleged violation and to exercise his or her powers of enforcement.

(c) Any person who is adversely affected by a decision of the commissioner may seek a review of the decision pursuant to the provisions of the Alabama Administrative Procedure Act.

Section 6. (a) In addition to the penalties provided in Section 5 of this act, any person injured by any violation of this act, or any trade association which represents the person, may maintain an action in any court of equitable jurisdiction to prevent, restrain, or enjoin the violation. If, in the action a violation of this act shall be established, the court shall enjoin and restrain or otherwise prohibit the violation, and in addition thereto shall assess in favor of the plaintiff the costs of the lawsuit and a reasonable attorney's fee. It shall not be necessary that actual

damages to the plaintiff be alleged or proved, but where alleged and proved, the plaintiff, in addition to injunctive relief and costs of lawsuit and fees, shall be entitled to recover from the defendant the amount of actual damages he or she has sustained.

(b) In the event no injunctive relief is sought or required, any person injured by a violation of this act may maintain an action for damages alone in any court of competent jurisdiction. The measure of damages in the action shall be the same as prescribed in subsection (a).

Section 7. When a wholesaler sells cigarettes to another wholesaler, the former wholesaler shall not be required to include in his or her selling price the cost to the wholesaler as defined in Section 3 of this act.

Section 8. In all advertisements, offers for sale, or sales involving two or more items, of which at least one item is a cigarette, at a combined price, and in all advertisements, offers for sale, or sales involving the giving of any concession of any kind whatsoever, whether it be coupons or otherwise, the selling price of the retailer or wholesaler shall not be below the cost to the retailer or the cost to the wholesaler, respectively, of all articles, products, commodities, and concessions included in the transactions.

Section 9. In determining the cost to the retailer, cost to the distributor, and the cost to the wholesaler, the commissioner or the court shall consider evidence tending to show that any person alleged to have violated this act purchased cigarettes at a fictitious price or upon terms or in a manner or under invoices so as to conceal the true cost, discounts, or terms of purchase. The commissioner or the court shall also consider evidence of the normal, customary, and prevailing terms and discounts in connection with other sales of a similar nature.

Section 10. In establishing the cost of cigarettes to the retailer, distributor, or wholesaler, the invoice cost of cigarettes purchased at a forced, bankruptcy, or other sale outside of the ordinary channels of trade may not be used as a basis for justifying a price lower than one based upon the replacement cost of the cigarettes to the retailer, distributor, or wholesaler in the quantity last purchased through the ordinary channels of trade.

Section 11. Where a cost survey pursuant to recognized statistical and cost accounting practices has been made by the Department of Revenue or by a trade association or other industry group in the trading area in which a violation of this act has been committed or charged, the cost survey shall be deemed competent evidence of the actual cost to the retailer, distributor, or wholesaler in any legal action or proceeding. Any party against whom a cost survey is introduced into evidence shall have the right to offer evidence tending to prove any inaccuracy in the cost survey or any state of facts that would impair its probative value.

Section 12. This act shall not apply to any of the following advertisements for sale, offers for sale, or sales made:

(1) An isolated transaction not in the usual course of business.

(2) Cigarettes that are advertised, offered for sale, or sold in bona fide clearance sales for the purpose of discontinuing trade in the cigarettes, provided that the advertising, offer to sell, or sale states the reason thereof and the quantity of the cigarettes.

(3) Cigarettes that are advertised, offered for sale, or sold as imperfect or damaged, provided that the advertising, offer to sell, or sale states the reason thereof and the quantity of the cigarettes.

(4) Cigarettes that are sold upon the complete final liquidation of a business.

(5) Cigarettes that are advertised, offered for sale, or sold by any fiduciary or other officer acting under the order or direction of any court.

(6) Cigarettes that are offered at a reduced price at retail by a manufacturer promotional payment.

Section 13. Section 40-25-5, Code of Alabama 1975, is repealed.

Section 14. The revenue generated by the repeal of Section 40-25-5, Code of Alabama 1975, shall be distributed in its entirety to the State General Fund.

Section 15. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO CARRY OVER TABLED

On motion of Representative Carothers, the motion offered by Representative Thomas (D) to carry over the bill, H. 351, and the pending committee substitute to the thirtieth legislative day was tabled.

Yeas 57; Nays 33.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Burke, Carothers, Carter, Clouse, Collins, Dolbare, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Hayden, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, Melton, Millican, Morrow, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Penry, Robinson, Rogers (J), Sanderson, Smith, Spratt, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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Nay:

Representatives Allen, Black (M), Box, Buskey, Carns, Crigler, Curry, Dean, Gaines, Hamilton, Haney, Hawkins, Hill, Jorgensen, Knight (A), Layson, McDaniel, McKee, McMillan, Minnifield, Morrison, Morton, Papucci, Payne, Perdue, Petelos, Pringle, Rogers (M), Seibenhener, Sims, Thomas (D), Townsend and Wren.

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MOTION IN WRITING OFFERED

Representative Parker (T) offered the following Motion in Writing relating to the bill, H. 351:

I move the previous question.

MOTION IN WRITING LOST

And the Motion in Writing was lost, lacking a three-fifths vote.

Yeas 40; Nays 33.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Burke, Carothers, Carter, Dolbare, Flowers, Fuller, Galliher, Gipson, Graham, Guin, Hammett, Hayden, Hilliard, Hinshaw, Hooper, Houston, Jackson, Johnson (R), Laird, Lindsey, Maull, McAdory, Melton, Millican, Murphree, Newton (C), Parker (P), Parker (T), Sanderson, Spratt, Thomas (J), Turner, Turnham, Vance, Warren and White.

-40

Nay:

Representatives Allen, Black (M), Box, Buskey, Carns, Crigler, Curry, Dean, Dukes, Gaines, Haney, Hill, Jorgensen, Kennedy, Knight (A), Layson, McDaniel, McKee, McMillan, Minnifield, Mitchell, Morton, Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sims, Thomas (D), Townsend and Wren.

-33

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Haney offered the following substitute to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 351:

To prohibit the sale of cigarettes at below cost with intent to injure competitors or destroy or substantially lessen competition among cigarette sellers; to provide penalties for violations; to provide for enforcement by the Commissioner of the Alabama Department of Revenue; and to repeal Section 40-25-5, Code of Alabama 1975.

SUBSTITUTE TO SUBSTITUTE TABLED

On motion of Representative Carothers, the substitute offered by Representative Haney to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 351, was tabled.

Yeas 53; Nays 33.

Yea:

Mr. Speaker, Baker, Black (M), Boyd, Burke, Carothers, Carter, Clark (W), Clouse, Dolbare, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Hayden, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Laird, Lindsey, McAdory, McClammy, Millican, Morrison, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Perdue, Robinson, Rogers (J), Smith, Spratt, Thomas (J), Turner, Vance, Venable, Warren, White and Willis.

-53

Nay:

Representatives Allen, Box, Buskey, Carns, Collins, Crigler, Curry, Dean, Dukes, Gaines, Hamilton, Haney, Hawkins, Hill, Knight (A), Layson, McDaniel, McKee, McMillan, Minnifield, Morrow, Morton, Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sims, Thomas (D), Townsend and Wren.

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MOTION TO INDEFINITELY POSTPONE OFFERED

Representative Payne offered the motion to indefinitely postpone the bill, H. 351, and the pending substitute reported by the Standing Committee on Ways and Means.

MOTION IN WRITING OFFERED

Representative Morrison offered the following Motion in Writing relating to the bill, H. 351:

I move for previous question.

MOTION IN WRITING LOST

And the Motion in Writing was lost, lacking a three-fifths vote.

Yeas 42; Nays 40.

Yea:

Mr. Speaker, Baker, Burke, Carothers, Carter, Crigler, Dolbare, Flowers, Fuller, Galliher, Gipson, Graham, Guin, Hall (A), Hammett, Hayden, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Laird, Lindsey, Melton, Morrison, Morrow, Murphree, Newton (C), Parker (T), Penry, Robinson, Smith, Spratt, Starkey, Turnham, Vance, Warren, White and Willis.

-42

Nay:

Representatives Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Curry, Dean, Dukes, Gaines, Gaston, Hall (L), Hamilton, Haney, Hawkins, Hill, Jorgensen, Kennedy, Knight (A), Layson, McDaniel, McKee, McMillan, Minnifield, Mitchell, Morton, Papucci, Payne, Petelos, Pringle, Rogers (M), Sanderford, Seibenhener, Sims, Thomas (D), Thomas (J), Townsend and Wren.

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MOTION TO INDEFINITELY POSTPONE WITHDRAWN

No objection being offered, Representative Payne withdrew his motion to indefinitely postpone the bill, H. 351, and the pending substitute reported by the Standing Committee on Ways and Means.

MOTION TO RECOMMIT TABLED

On motion of Representative Carothers, the motion offered by Representative Sims to recommit the bill, H. 351, and the pending committee substitute reported by the Standing Committee on Ways and Means was tabled.

Yeas 61; Nays 29.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carothers, Carter, Clark (W), Clouse, Collins, Dolbare, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, Melton, Millican, Morrow,

Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Penry, Perdue, Robinson, Rogers (J), Smith, Spratt, Starkey, Thomas (J), Turner, Vance, Venable, Warren and Willis.

-61

Nay:

Representatives Allen, Box, Buskey, Carns, Crigler, Curry, Dean, Dukes, Gaines, Haney, Hawkins, Hill, Jorgensen, Knight (A), McDaniel, McKee, McMillan, Morrison, Morton, Papucci, Payne, Petelos, Pringle, Rogers (M), Sanderford, Sims, Thomas (D), Townsend and Wren.

-29

MOTION IN WRITING OFFERED

Representative Parker (P) offered the following Motion in Writing relating to the bill, H. 351:

I move the previous question.

MOTION IN WRITING ADOPTED

And the Motion in Writing was adopted.

Yeas 41; Nays 25.

Yea:

Representatives Black (M), Boyd, Burke, Carothers, Carter, Clouse, Dukes, Flowers, Fuller, Galliher, Gipson, Graham, Guin, Hall (A), Hammett, Hooper, Houston, Johnson (E), Johnson (R), Laird, Lindsey, Maull, McAdory, Melton, Millican, Moore, Morrow, Murphree, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Reed, Robinson, Rogers (J), Smith, Turner, Turnham, Warren and White.

-41

Nay:

Representatives Allen, Bandy, Black (L), Box, Buskey, Carns, Curry, Gaines, Hall (L), Hawkins, Hayden, Hill, Knight (A), McDaniel, McMillan, Minnifield, Morton, Papucci, Payne, Petelos, Rogers (M), Sanderford, Sims, Thomas (D) and Townsend.

-25

MOTION TO ADJOURN LOST

The motion offered by Representative Sims that the House adjourn was lost.

Yeas 28; Nays 64.

Yea:

Representatives Allen, Buskey, Carns, Crigler, Dean, Gaines, Haney, Hawkins, Hill, Knight (A), Layson, Maull, McDaniel, McKee, McMillan, Minnifield, Moore, Morrison, Morton, Papucci, Payne, Petelos, Pringle, Sanderford, Sims, Thomas (D), Townsend and Wren.

-28

Nay:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dolbare, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Laird, Lindsey, McAdory, McClammy, Melton, Millican, Mitchell, Morrow, Murphree, Newton (C), Page, Parker (P), Parker (T), Penry, Perdue, Robinson, Rogers (J), Smith, Spratt, Starkey, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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H. 351 RESUMED

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 351, and the committee substitute was adopted.

Yeas 61; Nays 28.

Yea:

Representatives Baker, Bandy, Black (M), Boyd, Burke, Carothers, Carter, Clark (W), Clouse, Curry, Dolbare, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Kennedy, Knight (J), Laird, Lindsey, McAdory, McClammy, Melton, Millican, Morrow, Morton, Murphree, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Perdue, Petelos, Robinson, Rogers (J), Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

-61

Nay:

Representatives Allen, Black (L), Box, Buskey, Carns, Crigler, Dean, Gaines, Haney, Hawkins, Hill, Knight (A), Layson, McDaniel, McKee, McMillan, Minnifield, Moore, Morrison, Page, Papucci, Payne, Pringle, Rogers (M), Sanderford, Thomas (D), Townsend and Wren.

-28

And the bill:

H. 351. To prohibit the sale of cigarettes at below cost with intent to injure competitors or destroy or substantially lessen competition among cigarette sellers; to provide penalties for violations; to repeal Section 40-25-5, Code of Alabama 1975; to distribute the revenue generated by the repeal of the discount; and to provide for enforcement by the Commissioner of the Alabama Department of Revenue.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 58; Nays 39.

Yea:

Representatives Baker, Bandy, Black (L), Boyd, Burke, Carothers, Carter, Clark (W), Clouse, Dolbare, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hayden, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, Melton, Millican, Morrow, Murphree, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Perdue, Robinson, Rogers (J), Smith, Spratt, Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

-58

Nay:

Representatives Allen, Black (M), Box, Buskey, Carns, Collins, Crigler, Curry, Dean, Gaines, Hall (A), Hamilton, Haney, Hawkins, Hill, Hinshaw, Jorgensen, Knight (A), Layson, McDaniel, McKee, McMillan, Minnifield, Mitchell, Moore, Morrison, Morton, Page, Papucci, Payne, Petelos, Pringle, Rogers (M), Sanderford, Sims, Starkey, Thomas (D), Townsend and Wren.

-39

BUDGET ISOLATION RESOLUTION LOST

The motion offered by Representative Rogers (J) to adopt the Budget Isolation Resolution relating to the bill, H. 347, was lost, lacking a three-fifths vote.

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Yeas 43; Nays 38.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carter, Clark (W), Curry, Fuller, Gaines, Gipson, Graham, Hall (A), Haney, Hawk, Hayden, Hilliard, Holmes, Hooper, Houston, Jackson, Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Morrow, Page, Papucci, Petelos, Robinson, Rogers (J), Sanderford, Smith, Spratt, Starkey, Thomas (J) and Turner.

-43

Nay:

Representatives Baker, Carns, Carothers, Clouse, Collins, Crigler, Dean, Flowers, Galliher, Gaston, Guin, Hamilton, Hawkins, Hill, Hogan, Johnson (R), Knight (A), Laird, Layson, McMillan, Millican, Moore, Morrison, Morton, Murphree, Parker (P), Payne, Penry, Perdue, Pringle, Rogers (M), Seibenhener, Sims, Townsend, Turnham, Warren, White and Willis.

-38

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 123, was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren and Willis.

-83

And the bill:

H. 123. To make an appropriation from the State General Fund in the amount of \$1,700,000 to the full member Children's Advocacy Centers for the fiscal year ending September 30, 1997, and to require operations plans and audited financial statements prior to release of any funds.

was taken up.

AMENDMENT OFFERED

Representative Fuller offered the following amendment to the bill, H. 123:

To amend H. 123 on page 3 line 19 by adding after the period the following: "In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama, 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-94

And the bill:

H. 123. To make an appropriation from the State General Fund in the amount of \$1,700,000 to the full member Children's Advocacy Centers for the

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fiscal year ending September 30, 1997, and to require operations plans and audited financial statements prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 96; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-96

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Kennedy, the Budget Isolation Resolution relating to the bill, H. 303, was adopted.

Yeas 90; Nays 0.

Yea:

Representatives Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Pringle intended to vote "Yea" on adoption of the Budget Isolation Resolution relating to the bill, H. 303.

And the bill:

H. 303. To make an appropriation of \$13,041 from the State General Fund to the Alabama's Junior Miss Pageant for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

was taken up.

AMENDMENT OFFERED

Representative Kennedy offered the following amendment to the bill, H. 303:

To amend H. 303 on page 1 line 30 by adding after the period the following: "In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama, 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 85; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 303. To make an appropriation of \$13,041 from the State General Fund to the Alabama's Junior Miss Pageant for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 92; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-92

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 304, was adopted.

Yeas 90; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D),

Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-90

And the bill:

H. 304. (With Amendment): To make an appropriation of \$42,761 from the State General Fund to the Tri-Rivers Waterway Development Authority for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 304 on Page 1, lines 8 and 17 by deleting the figure \$42,761 and by inserting in lieu thereof the figure \$62,761.

Further amend on Page 1 by deleting line 26 in its entirety and by inserting in lieu thereof the following: "\$62,761."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 91; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-91

AMENDMENT OFFERED

Representative Fuller offered the following amendment to the bill, H. 304, as amended:

To amend H. 304 on page 1 line 32 by adding after the period the following: "In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama, 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 90; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-90

And the bill:

H. 304. To make an appropriation of \$62,761 from the State General Fund to the Tri-Rivers Waterway Development Authority for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 91; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-91

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 305, was adopted.

Yeas 94; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-94

And the bill:

H. 305. To make an appropriation of \$69,650 from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

was taken up.

REGULAR SESSION
8th Day

675

AMENDMENT OFFERED

Representative Fuller offered the following amendment to the bill, H. 305:

To amend H. 305 on page 2 line 2 by adding after the period the following:
"In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama, 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 94; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

-94

And the bill:

H. 305. To make an appropriation of \$69,650 from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 97; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-97

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Haney, the Budget Isolation Resolution relating to the bill, H. 307, was adopted.

Yeas 93; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-93

And the bill:

H. 307. To make an appropriation of \$18,600 from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

was taken up.

AMENDMENT OFFERED

Representative Haney offered the following amendment to the bill, H. 307:

To amend H. 307 on page 1 line 30 by adding after the period the following:
"In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama, 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 95; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-95

And the bill:

H. 307. To make an appropriation of \$18,600 from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 93; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-93

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Curry, the Budget Isolation Resolution relating to the bill, H. 314, was adopted.

Yeas 91; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

-91

And the bill:

H. 314. To make an appropriation of \$35,050 from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

was taken up.

REGULAR SESSION
8th Day

679

AMENDMENT OFFERED

Representative Curry offered the following amendment to the bill, H. 314:

To amend H. 314 on page 1 line 29 by adding after the period the following:
"In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama, 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 93; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

-93

And the bill:

H. 314. To make an appropriation of \$35,050 from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 90; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Warren, White, Willis and Wren.

-90

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Curry, the Budget Isolation Resolution relating to the bill, H. 315, was adopted.

Yeas 92; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Warren, White, Willis and Wren.

-92

And the bill:

H. 315. To make an appropriation of \$42,500 from the State General Fund to the Parkinson Association of Alabama for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

was taken up.

AMENDMENT OFFERED

Representative Curry offered the following amendment to the bill, H. 351:

To amend H. 315 on page 1 line 31 by adding after the period the following: "In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama, 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 90; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Mauld, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

-90

And the bill:

H. 315. To make an appropriation of \$42,500 from the State General Fund to the Parkinson Association of Alabama for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 94; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean,

Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

-94

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 319, was adopted.

Yeas 92; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-92

And the bill:

H. 319. (With Substitute): To make an appropriation of \$142,600 from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

was taken up.

**REGULAR SESSION
8th Day**

683

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation of \$192,600 from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1997, and to require an operations plan and an audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1997, there is hereby appropriated to the Alabama Council on Child Abuse, Inc. from the State General Fund the sum of \$192,600.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1996-97, an operations plan for fiscal year 1996-97 and an audited financial statement for all operations during fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of these reports.

Section 3. This act shall become effective October 1, 1996.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 98; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

AMENDMENT OFFERED

Representative Fuller offered the following amendment to the bill, H. 319, as amended:

To amend H. 319 on page 2 line 9 by adding after the period the following: "In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama, 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 96; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-96

And the bill:

H. 319. To make an appropriation of \$192,600 from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1997, and to require an operations plan and an audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 98; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 322, was adopted.

Yeas 95; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-95

And the bill:

H. 322. (With Substitute): To make an appropriation of \$359,674 from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$759,674 from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1997, and to require an operations plan and an audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1997, there is hereby appropriated to the Coalition Against Domestic Violence from the State General Fund the sum of \$759,674.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1996-97, an operations plan for fiscal year 1996-97 and an audited financial statement for all operations during fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of these reports.

Section 3. This act shall become effective October 1, 1996.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 98; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

AMENDMENT OFFERED

Representative Fuller offered the following amendment to the bill, H. 322, as amended:

To amend H. 322 on page 2 line 9 by adding after the period the following: "In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama, 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 93; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-93

And the bill:

H. 322. To make an appropriation of \$759,674 from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1997, and to require an operations plan and an audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 98; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 322, as amended:

Representatives Baker, Bandy, Black (L), Black (M), Carns, Carothers, Carter, Clark (J), Clouse, Collins, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 323, was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy,

Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-89

And the bill:

H. 323. To make an appropriation of \$61,853 from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

was taken up.

AMENDMENT OFFERED

Representative Fuller offered the following amendment to the bill, H. 323:

To amend H. 323 on page 1 line 30 by adding after the period the following: "In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama, 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 96; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D),

Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-96

And the bill:

H. 323. To make an appropriation of \$61,853 from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 325, was adopted.

Yeas 98; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E),

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Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-98

And the bill:

H. 325. (With Amendment): To make an appropriation of \$73,442 from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 325 on Page 1, lines 8 and 17 by deleting the figure "\$73,442" and by inserting in lieu thereof the figure "\$93,442."

Further amend on Page 1 by deleting lines 26 and 27 in their entirety and by inserting in lieu thereof the following: "of \$93,442."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 97; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle,

Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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AMENDMENT OFFERED

Representative Fuller offered the following amendment to the bill, H. 325, as amended:

To amend H. 325 on page 2 line 2 by adding after the period the following: "In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama, 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-95

And the bill:

H. 325. To make an appropriation of \$93,442 from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 98; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-98

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 325, as amended:

Representatives Allen, Baker, Black (M), Carns, Carothers, Clark (W), Crigler, Dean, Dukes, Galliher, Gaston, Hall (A), Hall (L), Hawk, Hawkins, Hilliard, Hinshaw, Houston, Jackson, Johnson (R), Jorgensen, Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Newton (C), Newton (D), Payne, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (J), Turner, Vance, Venable, Warren, Willis and Wren.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Curry, the Budget Isolation Resolution relating to the bill, H. 326, was adopted.

Yeas 94; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory,

McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-94

And the bill:

H. 326. (With Substitute): To make an appropriation of \$150,000 from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$100,000 from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1997, and to require an operations plan and an audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1997, there is hereby appropriated to the Alabama Travel Council from the State General Fund the sum of \$100,000.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1996-97, an operations plan for fiscal year 1996-97 and an audited financial statement for all operations during fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of these reports.

Section 3. This act shall become effective October 1, 1996.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 87; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (J), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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AMENDMENT OFFERED

Representative Curry offered the following amendment to the bill, H. 326, as amended:

To amend H. 326 on page 2 line 7 by adding after the period the following: "In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama, 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 89; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R),

Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-89

And the bill:

H. 326. To make an appropriation of \$100,000 from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1997, and to require an operations plan and an audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 93; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 328, was adopted.

Yeas 89; Nays 0.

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Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-89

And the bill:

H. 328. (With Amendment): To make an appropriation of \$49,933 from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 328 on Page 1, lines 8 and 17 by deleting the figure "\$49,933" and by inserting in lieu thereof the figure "\$69,933."

Further amend on Page 1 by deleting line 26 in its entirety and by inserting in lieu thereof the following: "\$69,933."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 90; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill,

Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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AMENDMENT OFFERED

Representative Fuller offered the following amendment to the bill, H. 328, as amended:

To amend H. 328 on page 1 line 32 by adding after the period the following: "In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama, 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 89; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White and Willis.

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**REGULAR SESSION
8th Day**

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And the bill:

H. 328. To make an appropriation of \$69,933 from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 96; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-96

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 332, was adopted.

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-94

And the bill:

H. 332. To make an appropriation of \$291,593 from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1997, and to require an operations plan prior to release of any funds.

was taken up.

AMENDMENT OFFERED

Representative Fuller offered the following amendment to the bill, H. 332:

To amend H. 332 on page 1 line 32 by adding after the period the following: "In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama, 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 98; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-98

And the bill:

H. 332. To make an appropriation of \$291,593 from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1997, and to require an operations plan prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

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Yeas 94; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-94

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 332, as amended:

Representatives Baker, Bandy, Black (L), Black (M), Carns, Carothers, Carter, Clark (W), Clouse, Collins, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gipson, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Perdue, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Haney, the Budget Isolation Resolution relating to the bill, H. 335, was adopted.

Yeas 85; Nays 3.

Yea:

Representatives Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A),

Knight (J), Laird, Lindsey, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-85

Nay:

Representatives Baker, Clouse and Moore.

- 3

And the bill:

H. 335. To make an appropriation of \$100,000 from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

was taken up.

AMENDMENT OFFERED

Representative Haney offered the following amendment to the bill, H. 335, as amended:

To amend H. 335 on page 1 line 30 by adding after the period the following: "In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama, 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 83; Nays 1.

Yea:

Representatives Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson,

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Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representative Baker.

- 1

AMENDMENT OFFERED

Representative Holmes offered the following amendment to the bill, H. 335, as amended:

On page 1, line 17, after the words "General Fund" insert the following: to both the Montgomery Minority Business Development Center and

On page 1, line 22, after the words "appropriated to" insert the following: both the Montgomery Minority Business Development Center and to

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 44; Nays 17.

Yea:

Representatives Baker, Bandy, Black (L), Box, Boyd, Buskey, Clark (W), Curry, Dolbare, Galliher, Graham, Hall (L), Hammett, Hayden, Hogan, Holmes, Houston, Jackson, Johnson (R), Kennedy, Knight (J), Laird, Maull, McAdory, McClammy, McMillan, Millican, Minnifield, Mitchell, Morton, Murphree, Newton (D), Parker (T), Payne, Perdue, Rogers (J), Smith, Starkey, Thomas (J), Townsend, Turner, Venable, Warren and Willis.

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Nay:

Representatives Black (M), Clouse, Dean, Dukes, Gaston, Guin, Haney, Hilliard, Layson, Lindsey, McKee, Moore, Papucci, Parker (P), Pringle, Rogers (M) and Spratt.

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MOTION TO ADJOURN LOST

The motion offered by Representative Layson that the House adjourn, was lost.

H. 335 RESUMED

And the bill:

H. 335. To make an appropriation of \$100,000 from the State General Fund to both the Montgomery Minority Business Development Center and to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 79; Nays 9.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Mitchell, Morrison, Morrow, Morton, Newton (D), Page, Papucci, Parker (P), Payne, Perdue, Petelos, Pringle, Rogers (J), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Clouse, Guin, McKee, Moore, Murphree, Newton (C), Robinson, Rogers (M) and Seibenhener.

- 9

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Curry, the Budget Isolation Resolution relating to the bill, H. 336, was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-88

And the bill:

H. 336. (With Amendment): To make an appropriation of \$325,000 from the State General Fund to the Alabama Kidney Foundation, Inc. for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 336 on Page 2, line 1 by adding the following Section and renumbering the remaining sections accordingly:

"Section 3. The Alabama Kidney Foundation, Inc. may use these funds to assist renal patients residing within the State of Alabama who have an established need for treatment-related transportation assistance and who are not eligible for other governmental or social service agency subsidies for such assistance."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 96; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean,

Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Willis.

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AMENDMENT OFFERED

Representative Curry offered the following amendment to the bill, H. 336, as amended:

To amend H. 336 on page 1 line 31 by adding after the period the following: "In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama, 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 92; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 336. To make an appropriation of \$325,000 from the State General Fund to the Alabama Kidney Foundation, Inc. for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 90; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-90

And the bill:

H. 301. (With Substitute) (With Amendments): To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1997.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1997.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. The monies in Section 2 are appropriated from the named funds for the 1996-97 fiscal year to the state agencies indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the totals for all programs are shown by the source of funds. It is intended that only the herein named funds be appropriated in the amounts specified to the named agencies and that the following definitions shall be applicable:

(a) "Appropriation Total" shall mean the aggregate total of all fund sources.

(b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the need of an identified clientele, or group of recipients or beneficiaries, and shall be expended only for such purposes.

(c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on bonded debt obligations of the State, and shall be expended only for such purposes.

(e) "Federal and Local Funds" shall mean all gifts, grants, contributions, or entitlements, including grants by the Congress of the United States, municipalities or counties.

SECTION 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1997, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Sections 41-19-1 through 12, Code of Alabama 1975. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

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Fund Sources Included
In Appropriation Total

General Fund	Earmarked Funds	Appropriation Total
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2A. LEGISLATIVE:

1. EXAMINERS OF PUBLIC
ACCOUNTS, DEPARTMENT OF:

(a) Legislative Support-Audit Services Program.....			11,430,666
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SOURCE OF FUNDS:

(1) State General Fund.....	10,586,493		
(2) Federal and Local Funds.....		844,173	
Total Department of Examiners of Public Accounts.....	10,586,493	844,173	11,430,666

2. LAW INSTITUTE, ALABAMA:

(a) Support of Other Educational Activities Program.....			357,571
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SOURCE OF FUNDS:

(1) State General Fund.....	357,571		
Total Alabama Law Institute.....	357,571		357,571

3. LEGISLATIVE COUNCIL:

(a) Legislative Operations and Support Program.....			292,055
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SOURCE OF FUNDS:

(1) State General Fund.....	292,055		
Pursuant to Sections 29-6-1 et seq., Code of Alabama 1975.			
Total Legislative Council.....	292,055		292,055

4. LEGISLATIVE FISCAL OFFICE:

(a) Legislative Operations and Support Program.....	1,268,639
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>1,268,639</u>	
Total Legislative Fiscal Office.....	<u>1,268,639</u>	1,268,639

5. LEGISLATIVE REFERENCE SERVICE:

(a) Legislative Operations and Support Program.....	1,886,704
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>1,886,704</u>	
Total Legislative Reference Service.....	<u>1,886,704</u>	1,886,704

6. LEGISLATURE:

(a) Legislative Operations and Support Program.....	13,609,083
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It is the intent of the Legislature that (1) at least \$30,000 shall be allocated for the Senate Finance and Taxation Committee, \$30,000 shall be allocated for the Office of the Senate Pro Tempore, \$15,000 shall be allocated for the Senate Floor Leader's Office, and \$30,000 shall be allocated for the Senate Rules Committee; (2) at least \$35,000 shall be allocated for the Ways and Means Committee, \$35,000 shall be allocated to the Office of the House Pro Tempore, and \$35,000 shall be allocated to the House Rules Committee; and (3) \$7,000 shall be allocated to the Permanent Municipal Government Committee as required by Sections 29-2-60 through 29-2-62, Code of

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Alabama 1975. The appropriation to the Legislature shall be expended under the provisions set forth in Section 29-1-22, Code of Alabama 1975.

(b) Office of the Speaker of the House of Representatives.....	627,000
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>14,236,083</u>	
Total Legislature.....	<u>14,236,083</u>	<u>14,236,083</u>

In addition to the above appropriation to the Legislature, there is hereby appropriated \$1,000,000 from the State General Fund to be conditioned on the availability of funds and the approval of the Governor. This shall be the second priority conditional and may be released by the Governor after the priority conditional for Medicaid has been released in full and must be released in full before any other conditionals from the State General Fund may be released by the Governor.

2B. JUDICIAL:

1. COURT OF CIVIL APPEALS:

(a) Court Operations Program.....	2,861,373
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>2,861,373</u>	
Total Court of Civil Appeals.....	<u>2,861,373</u>	<u>2,861,373</u>

2. COURT OF CRIMINAL APPEALS:

(a) Court Operations Program.....	3,026,863
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>3,026,863</u>	
Total Court of Criminal Appeals.....	<u>3,026,863</u>	<u>3,026,863</u>

3. JUDICIAL INQUIRY COMMISSION:

(a) Administrative Services Program....		175,411
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>175,411</u>	
Total Judicial Inquiry Commission.....	<u>175,411</u>	<u>175,411</u>

4. JUDICIAL RETIREMENT FUND:

(a) Retirement Systems Program.....		1,589,100
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>1,589,100</u>	
Total Judicial Retirement Fund.....	<u>1,589,100</u>	<u>1,589,100</u>

5. SUPREME COURT:

(a) Court Operations Program.....		5,777,536
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>5,777,536</u>	
Total Supreme Court.....	<u>5,777,536</u>	<u>5,777,536</u>

6. SUPREME COURT LIBRARY:

(a) Court Operations - Library Service Program.....		1,192,299
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>1,192,299</u>	
Total Supreme Court Library.....	<u>1,192,299</u>	<u>1,192,299</u>

7. UNIFIED JUDICIAL SYSTEM:

(administrative Office of Courts)

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(a) Court Operations Program.....	84,630,892
(b) Administrative Services Program....	3,388,541
(c) DUI Referral Program.....	65,092
(d) Fringe Benefit Program, Estimated.....	545,000
(e) Court Equipment and Court Security Program.....	921,704
(f) Judicial Building Operations Program.....	4,147,282

SOURCE OF FUNDS:

(1) State General Fund.....	88,960,212
(2) State General Fund-Act 94-679.....	174,587
(3) State General Fund-New Judgeships.....	952,807

This appropriation is to be conditioned upon the creation and filling of one or more judgeships as created by Acts 90-539, 91-640, and 93-882.

(4) State General Fund-Social Security-County Judicial, Estimated.....	545,000
(5) State General Fund Transfer-Juvenile Justice Coordinating Council.....	20,000

In accordance with Section 12-15-131, Code of Alabama 1975.

(6) Court Referral Officer Fund.....	2,054,468
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In accordance with Sections 12-23-1 through 12-23-19, Code of Alabama 1975.

(7) Juvenile Justice Coordinating Council Fund.....	11,168
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(8) Court Automation Fund..... 900,000

In accordance with Section 12-19-180,
Code of Alabama 1975.

(9) Federal Funds..... 80,269

Total Unified Judicial System.....	<u>90,652,606</u>	<u>3,045,905</u>	<u>93,698,511</u>
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In addition to the above appropriation to the Unified Judicial System, there is hereby appropriated \$1,000,000 from the State General Fund to be conditioned on the availability of funds and the approval of the Governor. This shall be the third priority conditional and may be released by the Governor after the priority conditionals for Medicaid and the Legislature have been released in full and must be released in full before any other conditional from the State General Fund may be released by the Governor.

2C. EXECUTIVE:

1. ACADEMY OF HONOR, ALABAMA:

(a) Historical Resources Management Program..... 5,000

SOURCE OF FUNDS:

(1) State General Fund..... 5,000

As provided in Section 41-11-6, Code of Alabama 1975, and an additional amount.

Total Alabama Academy of Honor.....	<u>5,000</u>	<u>5,000</u>
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2. ACCOUNTANCY, ALABAMA STATE BOARD OF PUBLIC:

(a) Professional and Occupational Licensing and Regulation Program..... 629,762

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SOURCE OF FUNDS:

(1) Alabama State Board of Public Accountancy Fund.....	629,762
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As provided in Section 34-1-22, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.

Total Alabama State Board of Public Accountancy.....	629,762	629,762
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3. ADJUSTMENT, BOARD OF:

(a) Special Services Program.....	741,420
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SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	733,020
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For expenditures as provided in Sections 31-3-2 and 36-30-2, Code of Alabama 1975.

(2) State General Fund-Administrative Costs.....	8,400
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As provided by Section 41-9-73, Code of Alabama 1975.

Total Board of Adjustment.....	741,420	741,420
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4. AERONAUTICS, DEPARTMENT OF:

(a) Aeronautical Administration Program.....	524,949
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(b) Airport Improvement Program, Estimated.....	425,000
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To be used only as grants awarded by the Alabama Aeronautics Commission for the general promotion, advancement, education and safety of aeronautics and for the improvement of airports or other aeronautical facilities in the State of Alabama.

(c) Civil Air Patrol Program..... 75,000

SOURCE OF FUNDS:

(1) State General Fund-Civil Air Patrol Program..... 75,000

(2) Airports Development Fund-Aviation Fuel Tax..... 924,949

As provided by Section 4-2-42, Code of Alabama 1975.

(3) Airports Development Fund-Federal Funds..... 25,000

Total Department of Aeronautics.....	<u>75,000</u>	<u>949,949</u>	<u>1,024,949</u>
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5. AGING, COMMISSION ON:

(a) Planning and Advocacy for the Elderly Program..... 18,407,664

(b) Economic Assistance Program..... 12,830,154

SOURCE OF FUNDS:

(1) State General Fund..... 1,671,904

(2) State General Fund-Medicaid Waiver..... 2,606,673

(3) Federal and Local Funds..... 26,959,241

Total Commission on Aging.....	<u>4,278,577</u>	<u>26,959,241</u>	<u>31,237,818</u>
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The Commission on Aging shall contract with the existing Regional Planning Commissions or Councils

of Local Governments and/or Area Agencies on Aging to provide services for one-third of the state's present and future client slots for the program known as the "Medicaid Waiver Services Program - Home and Community-Based Waiver for the Elderly and Disabled." The Commission on Aging shall not withdraw Area Agency on Aging designations or alter the funding relationships with existing Area Agencies on Aging and Regional Planning Development Commissions or Councils of Local Governments without the approval of the Board of Directors of the Alabama Commission on Aging and complying with all federal and state statutory and regulatory requirements.

6. AGRICULTURAL AND CONSER-
VATION DEVELOPMENT
COMMISSION:

(a) Water Resource Development Program.....	2,166,902
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	2,076,902	
(2) Alabama Agricultural and Conser- vation Development Commission Revolving Fund.....		90,000

As provided in Section 9-8A-4.1, Code
of Alabama 1975.

Total Agricultural and Conservation Development Commission.....	<u>2,076,902</u>	<u>90,000</u>	<u>2,166,902</u>
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7. AGRICULTURAL AND
INDUSTRIAL EXHIBIT
COMMISSION, ALABAMA:

(a) Agricultural Development Services Program.....	35,050
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SOURCE OF FUNDS:

(1) State General Fund.....	35,050	
Total Alabama Agricultural and Industrial Exhibit Commission.....	35,050	35,050

8. AGRICULTURAL CENTER BOARD:

(a) Agricultural Development Services Program.....		1,226,974
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SOURCE OF FUNDS:

(1) State General Fund.....	164,963		
For expense and awarding of prizes for fairs as provided in Section 2-7-21, Code of Alabama 1975, and other livestock shows and exhibits and other activities.			
(2) State General Fund-Operations.....	394,646		
(3) State General Fund-Livestock Coliseum.....	282,365		
(4) Livestock Coliseum Fund.....		385,000	
Total Agricultural Center Board.....	841,974	385,000	1,226,974

9. AGRICULTURAL MUSEUM BOARD, ALABAMA:

(a) Agricultural Promotional Program...	100,000
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SOURCE OF FUNDS:

(1) State General Fund.....	100,000	
Total Alabama Agricultural Museum Board.....	100,000	100,000

It is the intent of the Legislature that the appropriation made hereinabove to the Alabama Agriculture Museum Board may be used for Capital Outlay purposes by the Board.

10. AGRICULTURE AND
INDUSTRIES, DEPARTMENT OF:

(a) Administrative Services Program.... 2,179,155

Of the above appropriation, \$115,000
shall be transferred to the Alabama
Aquaculture Center in Gadsden.

(b) Agricultural Inspection Services
Program..... 14,140,836

Of the above appropriation,
\$2,720,000 shall be allocated to the
Boll Weevil Eradication Program.

(c) Laboratory Analysis and Disease
Control Program..... 4,395,378

(d) Agricultural Development Services
Program..... 1,726,198

SOURCE OF FUNDS:

(1) State General Fund..... 9,724,567

(2) Federal and Local Funds..... 2,032,998

(3) Shipping Point Inspection Fund..... 4,997,000

Pursuant to Sections 2-9-20 et seq.,
Code of Alabama 1975.

(4) Egg Inspection Fund..... 20,000

(5) Agricultural Fund..... 5,667,002

Total Department of Agriculture and
Industries..... 9,724,567 12,717,000 22,441,567

11. ALABAMA TRUST FUND BOARD:

(a) Administrative Program..... 25,000

SOURCE OF FUNDS:

(1) State General Fund..... 25,000

Total Alabama Trust Fund Board..... 25,000 25,000

**12. ALCOHOLIC BEVERAGE
CONTROL BOARD, ALABAMA:**

(a) Product Management Program.....	31,000,000
(b) Enforcement Program.....	8,000,000
(c) Administrative Services Program....	4,080,000

The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the State General Fund of \$5,000,000. The above transfer shall be made from the operating funds of the Alcoholic Beverage Control Board and shall not affect any distribution of revenue generated from the sale of alcoholic beverages.

SOURCE OF FUNDS:

(1) ABC Board Fund.....	43,080,000
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In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized, such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the state shall, during the fiscal period covered by

this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board.....	43,080,000	43,080,000
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13. ARCHITECTS, BOARD FOR REGISTRATION OF:

(a) Professional and Occupational Licensing and Regulation Program.....	256,000
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SOURCE OF FUNDS:

(1) Fund of the Board for Registration of Architects.....	256,000
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As provided in Section 34-2-41, Code of Alabama 1975.

Total Board for Registration of Architects.....	256,000	256,000
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14. ARCHIVES AND HISTORY, DEPARTMENT OF:

(a) Historical Resources Management Program.....	2,769,168
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Of the above appropriation, \$80,000
shall be used to operate the
Records Retention Program.

SOURCE OF FUNDS:

(1) State General Fund.....	2,690,250		
(2) Federal and Local Funds.....		18,918	
(3) Archives Historical Collections Fund.....		10,000	
In accordance with Section 41-6-71, Code of Alabama 1975.			
(4) Archives Services Fund.....		50,000	
In accordance with Section 41-6-76, Code of Alabama 1975.			
Total Department of Archives and History.....	2,690,250	78,918	2,769,168

15. ATHLETE AGENTS REGULATO-
RY COMMISSION:

(a) Professional and Occupational Licensing and Regulation Program.....			25,000
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SOURCE OF FUNDS:

(1) Athlete Agents Regulatory Commission Fund.....		25,000	
As provided in Section 8-26-17, Code of Alabama 1975.			
Total Athlete Agents Regulatory Commission.....		25,000	25,000

16. ATHLETIC TRAINERS, ALABAMA
BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....			25,000
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SOURCE OF FUNDS:

(1) Alabama Athletic Trainers Fund..... 25,000

As provided in Section 34-40-14, Code
of Alabama 1975.

Total Alabama Board of Athletic Trainers.....	25,000	25,000
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17. ATTORNEY GENERAL, OFFICE
OF THE:

(a) Legal Advice and Legal Services Program..... 10,525,158

(b) Fair Marketing Practices Program... 815,000

SOURCE OF FUNDS:

(1) State General Fund..... 7,625,887

(2) State General Fund - Consumer Protection..... 715,000

(3) State General Fund - Consumer Utility Rate Hearing Fund..... 250,000

(4) Federal Funds..... 1,437,190

(5) Miscellaneous Receipts..... 1,227,081

(6) Attorney General's Litigation Support Fund..... 85,000

In accordance with Section 36-15-4.2,
Code of Alabama 1975.

Total Office of the Attorney General.....	8,590,887	2,749,271	11,340,158
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18. AUCTIONEERS, ALABAMA
STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program..... 105,459

SOURCE OF FUNDS:

(1) State Board of Auctioneers Fund....	<u>105,459</u>	
Total Alabama State Board of Auctioneers.....	<u>105,459</u>	<u>105,459</u>

19. AUDITOR, STATE:

(a) Fiscal Management Program.....		723,569
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>723,569</u>	
Total State Auditor.....	<u>723,569</u>	<u>723,569</u>

20. BANKING DEPARTMENT,
STATE:

(a) Charter, License and Regulate Financial Institutions Program.....		4,727,582
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SOURCE OF FUNDS:

(1) Banking Assessment Fees.....	3,930,247	
As provided in Section 5-2A-20, Code of Alabama 1975.		
(2) Loan Examination Fund.....	797,335	
As provided in Sections 5-2A-24, 5-16-38.1, and 5-18-5, Code of Alabama 1975.		
Total State Banking Department.....	<u>4,727,582</u>	<u>4,727,582</u>

21. BAR ASSOCIATION, ALABAMA
STATE:

(a) Professional and Occupational Licensing and Regulation Program.....		5,431,483
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SOURCE OF FUNDS:

(1) State Bar Association Fund.....	2,659,450	
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As provided in Sections 34-3-4 and 34-3-44, Code of Alabama 1975.

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(2) Federal and Local Funds..... 2,772,033

As provided in Sections 34-3-17 and
34-3-18, Code of Alabama 1975.

Total Alabama State Bar Association... 5,431,483 5,431,483

22. BEAR CREEK DEVELOPMENT
AUTHORITY:

(a) Water Resource Development
Program..... 38,229

SOURCE OF FUNDS:

(1) State General Fund..... 38,229

Total Bear Creek Development
Authority..... 38,229 38,229

23. BUILDING COMMISSION, STATE:

(a) Special Services Program..... 1,169,713

SOURCE OF FUNDS:

(1) State General Fund..... 438,792

(2) Miscellaneous Funds..... 730,921

Total State Building Commission..... 438,792 730,921 1,169,713

24. BUILDING RENOVATION
FINANCE AUTHORITY,
ALABAMA:

(a) Administrative Support Services
Program..... 8,026,004

SOURCE OF FUNDS:

(1) State General Fund-Transfer..... 1,756,223

(2) Departmental Receipts,
Estimated..... 6,269,781

Total Alabama Building Renovation
Finance Authority..... 1,756,223 6,269,781 8,026,004

25. CAHAWBA ADVISORY
COMMITTEE:

(a) Historical Resources Management Program.....	120,119
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SOURCE OF FUNDS:

(1) State General Fund.....	120,119		
Total Cahawba Advisory Committee....	120,119		120,119

26. CHILD ABUSE AND NEGLECT
PREVENTION BOARD:

(a) Social Services Program.....	1,201,331
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In accordance with Sections 26-16-1
et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	676,124		
(2) Children's Trust Fund, Estimated....		525,207	
Total Child Abuse and Neglect Prevention Board.....	676,124	525,207	1,201,331

27. CHILDREN'S SERVICES FACILI-
TATION TEAM:

(a) Human Services Program.....	200,000
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SOURCE OF FUNDS:

(1) State General Fund.....	100,000		
(2) Departmental Receipts.....		100,000	
As provided in Section 12-15-174, Code of Alabama 1975.			
Total Children's Services Facilitation Team.....	100,000	100,000	200,000

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28. CHIROPRACTIC EXAMINERS,
ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	185,800
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SOURCE OF FUNDS:

(1) Alabama State Board of Chiroprac- tic Examiners Fund.....	185,800
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As provided in Section 34-24-143,
Code of Alabama 1975.

Total Alabama State Board of Chiropractic Examiners.....	185,800	185,800
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29. CHOCCOLOCCO CREEK WA-
TERSHED CONSERVANCY
DISTRICT:

(a) Water Resource Development Program.....	19,763
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SOURCE OF FUNDS:

(1) State General Fund.....	19,763
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Total Choccolocco Creek Watershed Conservancy District.....	19,763	19,763
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30. CHOCTAWHATCHEE-PEA
RIVERS WATERSHED MANAGE-
MENT AUTHORITY:

(a) Water Resource Development Program.....	246,688
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SOURCE OF FUNDS:

(1) State General Fund.....	246,688
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Total Choctawhatchee-Pea Rivers Watershed Management Authority..	246,688	246,688
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31. CONSERVATION AND NATURAL
RESOURCES, DEPARTMENT OF:

(a) State Land Management Program. .	2,656,596
(b) Outdoor Recreation Sites and Services Program.....	29,390,296
(c) Marine Police Program.....	5,361,361
(d) Wildlife Game and Fish Program....	21,604,038
(e) Marine Resources Program.....	2,650,416
(f) Administrative Services Program.....	4,200,000
(g) Capital Outlay Program.....	1,200,869

The appropriation to the Department of Conservation and Natural Resources shall include Alabama's pro rata share of the Gulf States Marine Fisheries Commission operation expenses. The appropriation to the Department of Conservation and Natural Resources includes funds for the maintenance, staff and repair of the Governor's official beach mansion.

SOURCE OF FUNDS:

(1) State General Fund- Transfer-Game and Fish Fund.....	415,019
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To implement the provisions of Federal Regulation 50CFR 80.4(a)(3).

(2) Game and Fish Fund-Licenses, Fines, Fees, Interest Income and Other Departmental Receipts.....	14,709,888
(3) Game and Fish Fund-Federal and Local Funds.....	7,540,000
(4) State Lands Fund.....	2,756,596

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(5) Marine Resources Fund-Licenses, Taxes, Fines and Other Departmental Receipts.....	1,965,416
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(6) Marine Resources Fund-Federal and Local Funds.....	725,000
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In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island are hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division programs or projects which he deems appropriate.

(7) Marine Police Fund-Licenses, Fines, Taxes and Other Departmental Receipts.....	4,611,361
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(8) Marine Police Fund-Federal and Local Funds.....	750,000
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(9) State Parks Fund.....	251,627
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(10) Parks Revolving Fund, Estimated.....	25,138,669
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(11) State Parks Fund-Cigarette Tax....	4,000,000
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(12) Administrative Funds.....	4,200,000
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The funds hereinabove appropriated shall be payable as provided in Sections 9-2-1 et seq., Code of Alabama 1975.

Total Department of Conservation and Natural Resources.....	415,019	66,648,557	67,063,576
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**32. CONTRACTORS, STATE
LICENSING BOARD FOR
GENERAL:**

(a) Professional and Occupational Licensing and Regulation Program.....	709,236
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SOURCE OF FUNDS:

(1) State Licensing Board for General Contractors Fund.....	709,236
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Pursuant to Section 34-8-25, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

Total State Licensing Board for General Contractors.....	709,236	709,236
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**33. CORRECTIONS, DEPARTMENT
OF:**

(a) Administrative Services and Logistical Support Program.....	8,500,000
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(b) Institutional Services Corrections Program.....	157,158,664
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(c) Correctional Agricultural and Industries Program.....	20,517,810
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The Department of Corrections shall not utilize any portion of its State General Fund appropriation to support the Correctional Industries Program.

(d) Capital Outlay Program.....	1,000,000
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SOURCE OF FUNDS:

(1) State General Fund..... 152,343,284

(2) Department of Corrections
Industrial Revolving Fund..... 20,517,810

The Commissioner of the Department of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Department of Corrections. Any such grant funds so generated and in direct support of the Department of Corrections' operations are also hereby appropriated.

(3) Drug Demand Reduction Fund..... 459,185

In accordance with Section 13A-12-283, Code of Alabama 1975.

(4) Federal Funds..... 356,195

(5) Departmental Receipts..... 13,500,000

Total Department of Corrections..... 152,343,284 34,833,190 187,176,474

In addition to the above appropriation, there is hereby conditionally appropriated \$8,000,000 to the Department of Corrections from the State General Fund for operations and maintenance costs at Brent Prison, to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance, and the approval of the Governor.

**34. COSMETOLOGY, ALABAMA
BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Program.....	708,690
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SOURCE OF FUNDS:

(1) Alabama Board of Cosmetology Fund.....	708,690
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As provided in Section 34-7-42, Code
of Alabama 1975.

Total Alabama Board of Cosmetology.....	708,690	708,690
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**35. COUNSELING, ALABAMA
BOARD OF EXAMINERS IN:**

(a) Professional and Occupational Licensing and Regulation Program.....	227,300
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SOURCE OF FUNDS:

(1) Alabama Board of Examiners in Counseling Fund.....	227,300
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As provided in Section 34- 8A-6, Code
of Alabama 1975.

Total Alabama Board of Examiners in Counseling.....	227,300	227,300
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**36. CREDIT UNION ADMIN-
ISTRATION, ALABAMA:**

(a) Charter, License and Regulate Financial Institutions Program.....	667,572
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SOURCE OF FUNDS:

(1) Alabama Credit Union Administra- tion Fund.....	667,572
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As provided in Section 5-17-7, Code of
Alabama 1975.

Total Alabama Credit Union Administration.....	667,572	667,572
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37. CRIME VICTIMS COMPENSA-
TION COMMISSION, ALABAMA:

(a) Special Services Program, Estimated.....	1,357,022
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SOURCE OF FUNDS:

(1) Alabama Crime Victims Compens- ation Commission Fund, Estimated.....	1,357,022
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To be expended in accordance with
Sections 15-23-1 through 15-23-23,
Code of Alabama 1975.

Total Alabama Crime Victims Compens- ation Commission.....	1,357,022	1,357,022
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38. CRIMINAL JUSTICE INFORMA-
TION CENTER, ALABAMA:

(a) Criminal Justice Information Services Program.....	4,864,507
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SOURCE OF FUNDS:

(1) State General Fund.....	2,315,040
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(2) Miscellaneous Receipts.....	4,000
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(3) Federal and Local Funds.....	2,545,467
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Total Alabama Criminal Justice Information Center.....	2,315,040	2,549,467	4,864,507
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39. DEVELOPMENT OFFICE,
ALABAMA:

(a) Promotional Development Program-Alabama Film Commission.....	212,081
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(b) Industrial Development Program-Alabama Development Office.....	4,418,531
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SOURCE OF FUNDS:

(1) State General Fund-Alabama Development Office.....	4,318,531		
(2) State General Fund-Alabama Film Commission.....	212,081		
(3) Departmental Receipts.....		100,000	
Total Alabama Development Office.....	4,530,612	100,000	4,630,612

40. DIETETICS/NUTRITION
PRACTICE, ALABAMA STATE
BOARD OF EXAMINERS FOR:

(a) Professional and Occupational Licensing and Regulation Program.....	60,000
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SOURCE OF FUNDS:

(1) State Board of Dietetics/Nutrition Fund.....	60,000		
As provided in Section 34-34A-8, Code of Alabama 1975.			
Total Alabama State Board of Examiners for Dietetics/Nutrition Practice.....		60,000	60,000

41. DISTRICT ATTORNEYS:

(a) Court Operations Program.....	17,740,071
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The proposed spending plan included
in the above total is as follows:

Salaries of District Attor- neys.....	3,677,866
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For the use of the elected Assistant District Attorney of the Bessemer Division of the 10th Judicial Circuit.....	152,293
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Salaries and expenses of
Supernumerary District
Attorneys.....1,479,768

For use in the District Attorney's Office
of the following Judicial Circuits:

1st Judicial Circuit.....191,861

2nd Judicial Circuit.....197,488

3rd Judicial Circuit.....272,705

4th Judicial Circuit.....506,424

5th Judicial Circuit.....477,297

6th Judicial Circuit.....464,956

7th Judicial Circuit.....358,011

8th Judicial Circuit.....246,186

9th Judicial Circuit.....232,221

10th Judicial Circuit.....700,264

11th Judicial Circuit.....185,158

12th Judicial Circuit.....398,203

13th Judicial Circuit.....541,216

14th Judicial Circuit.....218,468

15th Judicial Circuit.....564,000

16th Judicial Circuit.....337,986

17th Judicial Circuit.....203,259

18th Judicial Circuit.....414,022

19th Judicial Circuit.....284,462

20th Judicial Circuit.....366,873

21st Judicial Circuit.....235,250

22nd Judicial Circuit.....	258,229
23rd Judicial Circuit.....	535,068
24th Judicial Circuit.....	207,642
25th Judicial Circuit.....	221,680
26th Judicial Circuit.....	326,218
27th Judicial Circuit.....	242,465
28th Judicial Circuit.....	334,032
29th Judicial Circuit.....	367,512
30th Judicial Circuit.....	289,843
31st Judicial Circuit.....	182,246
32nd Judicial Circuit.....	252,644
33rd Judicial Circuit.....	205,639
34th Judicial Circuit.....	154,250
35th Judicial Circuit.....	214,588
36th Judicial Circuit.....	145,732
37th Judicial Circuit.....	273,818
38th Judicial Circuit.....	236,264
39th Judicial Circuit.....	195,180
40th Judicial Circuit.....	163,723
Travel Expenses of District Attorneys.....	60,176
Investigators Subsistence-Section 36-21-2, Code of Alabama 1975.....	166,885

SOURCE OF FUNDS:

(1) State General Fund.....	17,740,071	
Total District Attorneys.....	17,740,071	17,740,071

42. ECONOMIC AND COMMUNITY
AFFAIRS, ALABAMA DEPART-
MENT OF:

(a) Administrative Support Program..... 7,634,667

(b) Planning Program..... 52,988,254

Of the above appropriation, at least
\$510,000 shall be spent for the
Regional Planning Commissions
and \$50,000 shall be spent for the
Alabama Council of Economic
Education.

(c) Special Services Program..... 25,000,000

Of the above appropriation, \$300,000
shall be paid into the Teachers'
Retirement System on behalf of
Community Action Agency
personnel; and at least \$500,000
shall be distributed to community
action administering agencies
based on their populations below
the poverty level, provided
however, that not more than 10% of
each agency's allocation shall be
expended for administration and
\$80,000 shall be allocated to the
Food Assistance Program through
the Community Action Agencies of
Montgomery and Elmore counties.

(d) Skills Enhancement and Employ-
ment Opportunities Program..... 40,441,965

(e) Energy Management Program..... 6,314,180

(f) Police Services Program..... 2,842,171

(g) Law Enforcement Planning and
Development Program..... 12,848,593

(h) Surplus Property Program..... 4,202,615

(i) Water Resources Program..... 1,556,367

(j) PALS/Adopt-A-Mile Program..... 150,000

SOURCE OF FUNDS:

(1) State General Fund.....	10,649,554		
(2) Federal and Local Funds.....		131,779,943	
(3) Administrative Transfers and Other Departmental Receipts.....		7,406,700	
(4) Administrative Transfers from Federal-Donated Surplus Property Sales.....		3,340,778	
(5) Administrative Transfers from State-Owned Surplus Property Sales.....		801,837	

Total Alabama Department of Eco- nomic and Community Affairs.....	<u>10,649,554</u>	<u>143,329,258</u>	<u>153,978,812</u>
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In addition to the above appropriation, there is hereby conditionally appropriated \$500,000 to the Alabama Department of Economic and Community Affairs for the Water Resources Program from the State General Fund, to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance, and the approval of the Governor.

43. ELECTRICAL CONTRACTORS,
BOARD OF:

(a) Professional and Occupational
Licensing and Regulation
Program..... 175,000

SOURCE OF FUNDS:

(1) Alabama Board of Electrical Contractors Fund.....	175,000
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As provided in Section 34-36-17, Code
of Alabama 1975.

Total Board of Electrical Contractors....	175,000	175,000
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44. ELK RIVER DEVELOPMENT
AGENCY:

(a) Water Resource Development Program.....	20,989
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SOURCE OF FUNDS:

(1) State General Fund.....	20,989
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Total Elk River Development Agency...	20,989	20,989
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45. EMERGENCY MANAGEMENT
AGENCY:

(a) Readiness and Recovery Program.....	20,846,692
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(b) Transfer to County Emergency Management Agencies.....	276,675
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The above appropriation of \$276,675
is in addition to the regular
allocations to county emergency
management agencies.

SOURCE OF FUNDS:

(1) State General Fund.....	1,098,128
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(2) Federal and Local Funds.....	20,025,239
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Total Emergency Management Agency.....	1,098,128	20,025,239	21,123,367
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46. ENERGY BOARD, SOUTHERN
STATES:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geological Research and Topographic Mapping Program.....	21,511
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SOURCE OF FUNDS:

(1) State General Fund.....	21,511	
Total Southern States Energy Board....	21,511	21,511

47. ENGINEERS AND LAND
SURVEYORS, STATE BOARD OF
REGISTRATION FOR
PROFESSIONAL:

(a) Professional and Occupational Licensing and Regulation Program.....		733,269
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SOURCE OF FUNDS:

(1) Professional Engineers Fund.....	733,269	
As provided in Section 34-11-36, Code of Alabama 1975.		
Total State Board of Registration for Professional Engineers and Land Surveyors.....	733,269	733,269

48. ENVIRONMENTAL
MANAGEMENT, DEPARTMENT
OF:

(a) Environmental Management Program.....		55,898,923
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Of the above appropriation, \$20,000 shall be used to monitor water quality of Portersville Bay. The Department may not assess charges of any type to NPDES permit holders to offset the cost of such monitoring.

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	3,990,105	
(2) State General Fund-Transfer to Water Pollution Control Authority.....	799,638	

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(3) State General Fund-Transfer to Hazardous Substance Cleanup Fund.....	36,347		
In accordance with Sections 22-30A-3 through 22-30A-11, Code of Alabama 1975.			
(4) Environmental Management Fines and Fees.....		12,996,733	
As provided in Section 22-22A-11, Code of Alabama 1975.			
(5) Federal Funds.....		13,412,350	
(6) Federal Match-Water Pollution Control Authority.....		11,000,000	
(7) Transfer from Underground and Aboveground Storage Tank Trust Fund.....		705,000	
As provided in Section 22-35-9, Code of Alabama 1975.			
(8) Underground and Aboveground Storage Tank Trust Fund.....		10,705,000	
As provided in Section 22-35-5, Code of Alabama 1975.			
(9) Environmental Education Fund.....		753,750	
In accordance with Section 32-6-156.1, Code of Alabama 1975.			
(10) Hazardous Substance Cleanup Fund.....		300,000	
In accordance with Sections 22-30A-3 through 22-30A-11, Code of Alabama 1975.			
(11) SRF Administrative Fees.....		1,200,000	
In accordance with Section 22-34-3, Code of Alabama 1975.			
Total Department of Environmental Management.....	4,826,090	51,072,833	55,898,923

49. ETHICS COMMISSION,
ALABAMA:

(a) Regulation of Public Officials and Employees Program.....	946,979
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SOURCE OF FUNDS:

(1) State General Fund.....	946,979	
Total Alabama Ethics Commission.....	946,979	946,979

50. FARMERS' MARKET
AUTHORITY:

(a) Agricultural Development Services Program.....	225,093
(b) Capital Outlay Program.....	50,000

SOURCE OF FUNDS:

(1) State General Fund.....	135,589	
(2) Farmers' Market Authority Fund.....	139,504	
Total Farmers' Market Authority.....	135,589	139,504
		275,093

51. FINANCE, DEPARTMENT OF:

(a) Fiscal Management Program.....	4,676,322
(b) Administrative Support Services Program.....	3,180,448

SOURCE OF FUNDS:

(1) State General Fund.....	7,549,322	
(2) Miscellaneous Funds.....	307,448	
Total Department of Finance.....	7,549,322	307,448
		7,856,770

52. FINANCE, DEPARTMENT OF -
CAPITOL COMPLEX MAINTENANCE AND REPAIR:

(a) Administrative Support Services Program.....	8,215,830
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(b) Capital Outlay Program..... 150,000

SOURCE OF FUNDS:

(1) Capitol Complex Revolving Fund... 8,365,830

Total Department of Finance - Capitol
Complex Maintenance and Repair... 8,365,830 8,365,830

53. FINANCE, DEPARTMENT OF -
DATA CENTER REVOLVING
FUND:

(a) Administrative Support Services
Program..... 23,370,648

SOURCE OF FUNDS:

(1) Data Center Revolving Fund..... 23,370,648

Total Department of Finance - Data
Center Revolving Fund..... 23,370,648 23,370,648

54. FINANCE, DEPARTMENT OF -
CENTRAL MAIL AND SUPPLY:

(a) Administrative Support Services
Program..... 7,448,359

SOURCE OF FUNDS:

(1) Mail and Supply Revolving Fund..... 7,448,359

Total Department of Finance - Central
Mail and Supply..... 7,448,359 7,448,359

55. FINANCE, DEPARTMENT OF -
MOTOR POOL:

(a) Administrative Support Services
Program..... 2,304,743

SOURCE OF FUNDS:

(1) Motor Pool Revolving Fund..... 2,304,743

Total Department of Finance - Motor
Pool..... 2,304,743 2,304,743

56. FINANCE, DEPARTMENT OF -
PRINTING AND PUBLICATIONS:

(a) Administrative Support Services Program.....	7,496,907
(b) Capital Outlay Program.....	350,000

SOURCE OF FUNDS:

(1) Printing and Publications Revolving Fund.....	7,846,907	
Total Department of Finance - Printing and Publications.....	7,846,907	7,846,907

57. FINANCE, DEPARTMENT OF -
RISK MANAGEMENT:

(a) Administrative Support Services Program.....	2,997,000
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SOURCE OF FUNDS:

(1) State Insurance Fund-Administration.....	1,295,012
--	-----------

As provided in Sections 41-15-1, et seq., Code of Alabama 1975.

(2) General Liability Trust Fund-Administration.....	708,180
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As provided in Sections 36-1-6.1, et seq., Code of Alabama 1975.

(3) Employee Injury Compensation Trust Fund-Administration.....	993,808
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As provided in Sections 36-29A-1, et seq., Code of Alabama 1975.

Total Department of Finance-Risk Management.....	2,997,000	2,997,000
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58. FINANCE, DEPARTMENT OF -
TELEPHONE REVOLVING FUND:

(a) Administrative Support Services Program.....	18,689,813
--	------------

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	1,270,198		
(2) Telephone Revolving Fund, Estimated.....		17,419,615	
Total Department of Finance - Telephone Revolving Fund.....	1,270,198	17,419,615	18,689,813

59. FLEXIBLE EMPLOYEES
BENEFIT BOARD:

(a) Employee Benefits Program, Estimated.....		300,000
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In accordance with Sections 36-29-20
through 36-29-30, Code of
Alabama 1975.

SOURCE OF FUNDS:

(1) Flexible Employees Benefit Board Fund, Estimated.....	150,000	
(2) Transfer from State Personnel Department.....	150,000	
Total Flexible Employees Benefit Board.....	300,000	300,000

60. FOREIGN TRADE RELATIONS
COMMISSION:

(a) Special Services Program.....	100,844
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SOURCE OF FUNDS:

(1) State General Fund.....	100,844	
Total Foreign Trade Relations Commission.....	100,844	100,844

61. FORENSIC SCIENCES, DEPART-
MENT OF:

(a) Forensic Science Services Program.....	11,615,720
---	------------

SOURCE OF FUNDS:

(1) State General Fund.....	6,986,153		
(2) Federal and Local Funds.....		842,067	
(3) DNA Fund.....		1,680,000	
(4) Forfeited Assets Fund.....		7,500	
(5) Forensic Services Fund.....		900,000	

As provided in Sections 36-18-6
through 36-18-8, Code of Alabama
1975.

(6) Chemical Test Fund.....	1,200,000		
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As provided in Sections 36-18-51 and
32-54-191, Code of Alabama
1975.

Total Department of Forensic Sciences.....	<u>6,986,153</u>	<u>4,629,567</u>	<u>11,615,720</u>
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62. FORESTERS, ALABAMA STATE
BOARD OF REGISTRATION FOR:

(a) Professional and Occupational Licensing and Regulation Program.....			60,000
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SOURCE OF FUNDS:

(1) Professional Foresters Fund.....	60,000		
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As provided in Section 34-12-36, Code
of Alabama 1975.

Total Alabama State Board of Regis- tration for Foresters.....	<u>60,000</u>	<u>60,000</u>	
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63. FORESTRY COMMISSION,
ALABAMA:

(a) Forest Resources Protection and Development Program.....			23,605,175
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(b) Capital Outlay Program.....	180,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	11,684,479	
(2) Federal and Local Funds.....	4,532,103	
(3) Forestry Commission Fund.....	7,568,593	
Total Alabama Forestry Commission....	11,684,479	12,100,696 23,785,175

Of the above appropriation to the Alabama Forestry Commission, \$2,011,017 shall be used for rural and community fire protection.

**64. FOREVER WILD LAND TRUST,
BOARD OF:**

(a) Capital Outlay Program.....	5,020,726
(b) Administration Program.....	2,103,685

Of the above appropriation to the Administration Program, an amount equal to 15% of capital outlay expenditures shall be transferred to the Alabama Trust Fund Forever Wild Land Trust Stewardship Account, in accordance with the Constitutional Amendment No. 543, adopted pursuant to Act 91-219.

SOURCE OF FUNDS:

(1) Forever Wild Land Trust Fund.....	6,997,732	
(2) Forever Wild Land Trust Stewardship Account, Estimated....	126,679	
Total Board of Forever Wild Land Trust.....	7,124,411	7,124,411

The above appropriation is in accordance with the Constitutional Amendment No. 543, adopted pursuant to Act 91-219.

65. FUNERAL SERVICE, ALABAMA
BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	161,000
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SOURCE OF FUNDS:

(1) Alabama Funeral Directors and Embalmers Fund.....	161,000
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As provided in Section 34-13-23, Code
of Alabama 1975.

Total Alabama Board of Funeral Service.....	161,000	161,000
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66. GEOLOGICAL SURVEY:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program.....	3,316,731
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SOURCE OF FUNDS:

(1) State General Fund.....	1,908,910		
(2) Federal and Local Funds.....		1,407,821	
Total Geological Survey.....	1,908,910	1,407,821	3,316,731

67. GEOLOGISTS, ALABAMA
BOARD OF LICENSURE FOR
PROFESSIONAL:

(a) Professional and Occupational Licensing and Regulation Program.....	129,480
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SOURCE OF FUNDS:

(1) Alabama Board of Licensure for Professional Geologists Fund.....	129,480
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As provided in Section 31-41-6, Code
of Alabama 1975.

Total Alabama Board of Licensure for Professional Geologists.....	129,480	129,480
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68. GORGAS MEMORIAL BOARD:

(a) Historical Resources Management Program.....		3,505
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SOURCE OF FUNDS:

(1) State General Fund.....	3,505	
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As provided in Section 41-9-220, Code of Alabama 1975, and an additional amount.

Total Gorgas Memorial Board.....	<u>3,505</u>	<u>3,505</u>
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69. GOVERNOR'S CONTINGENCY FUND:

(a) Executive Direction Program.....		300,000
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>300,000</u>	
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Total Governor's Contingency Fund.....	<u>300,000</u>	<u>300,000</u>
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70. GOVERNOR'S MANSION:

(a) Executive Direction Program.....		401,798
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>401,798</u>	
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Total Governor's Mansion.....	<u>401,798</u>	<u>401,798</u>
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71. GOVERNOR'S MANSION ADVISORY BOARD:

(a) Historical Resources Management Program.....		6,111
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>6,111</u>	
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Total Governor's Mansion Advisory Board.....	<u>6,111</u>	<u>6,111</u>
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72. GOVERNOR'S OFFICE:

(a) Executive Direction Program..... 2,848,830

SOURCE OF FUNDS:

(1) State General Fund..... 2,848,830Total Governor's Office..... 2,848,830 2,848,83073. GOVERNOR'S OFFICE ON
NATIONAL AND COMMUNITY
SERVICE:

(a) Executive Direction Program..... 211,537

SOURCE OF FUNDS:

(1) State General Fund..... 69,394

(2) Federal Funds..... 142,143Total Governor's Office on National
and Community Service..... 69,394 142,143 211,53774. HEALTH, DEPARTMENT OF
PUBLIC:(a) Personal Health Services
Program..... 131,791,256

(b) Health Support Services Program... 198,318,819

Of the amount appropriated to support local health department services, \$5,000,000 shall be used to provide a minimum staff in each of the 67 counties and the remainder shall be allocated to the counties on the basis of need and a match formula to be determined by the Department.

(c) Administrative Services Program.... 21,469,153

SOURCE OF FUNDS:

(1) State General Fund..... 36,873,578

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(2) Cigarette Tax-\$0.01 and \$0.02.....	1,600,000
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As provided in Sections 40-25-2 and
40-25-23, Code of Alabama 1975.

(3) Vital Statistics Fund.....	3,641,358
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(4) Hospital Licensing Fund.....	450,000
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(5) Emergency Medical Services Fund	104,800
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As provided in Section 22-18-4, Code
of Alabama 1975.

(6) Local Health Departments.....	123,505,136
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(7) Milk Processing Fee.....	31,698
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In accordance with Sections 20-1-140
through 20-1-146, Code of
Alabama 1975.

(8) Radiation Safety Fund.....	1,611,283
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(9) Miscellaneous Funds.....	21,276,099
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(10) Federal Funds.....	134,493,666
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(11) Alabama Legacy for Environmental Research Trust Fund.....	729
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As provided in Section 22-30B-19,
Code of Alabama 1975.

(12) Health-Medicaid Fund.....	27,990,881
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Total Department of Public Health.....	36,873,578	314,705,650	351,579,228
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Of the above appropriation to the
Department of Public Health, at
least \$2,000,000 shall be spent on
perinatal activities. The
Department of Public Health will
reimburse to the Alabama Medicaid
Agency the state match necessary
to cover increased revenues for
services as a result of fee
increases. The Department of
Public Health will be responsible to

the Alabama Medicaid Agency for any disallowance of Public Health Department costs as a result of federal or state audit.

75. HEALTH PLANNING AGENCY, STATE:

(a) Health Planning Development and Regulation Program.....	975,000
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SOURCE OF FUNDS:

(1) Certificate of Need Fees.....	925,000	
(2) Departmental Receipts.....	50,000	
Total State Health Planning Agency.....	975,000	975,000

76. HEARING INSTRUMENT DEALERS, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	54,000
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SOURCE OF FUNDS:

(1) Hearing Instrument Dealers Fund...	54,000	
As provided in Section 34-14-33, Code of Alabama 1975.		
Total Alabama Board of Hearing Instrument Dealers.....	54,000	54,000

77. HEATING AND AIR CONDITION- ING CONTRACTORS, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	402,000
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SOURCE OF FUNDS:

(1) Heating and Air Conditioning Contractors Fund.....	402,000
--	---------

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As provided in Sections 34-31-18
through 34-31-34, Code of
Alabama 1975.

Total Board of Heating and Air Conditioning Contractors.....	402,000	402,000
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**78. HERITAGE TRUST FUND,
ALABAMA:**

(a) Fiscal Management Program.....		20,000
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SOURCE OF FUNDS:

(1) Heritage Trust Income.....	20,000	
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Total Alabama Heritage Trust Fund.....	20,000	20,000
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**79. HISTORIC BLAKELEY
AUTHORITY:**

(a) Historical Resources Management Program.....		200,000
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SOURCE OF FUNDS:

(1) State General Fund.....	200,000	
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Total Historic Blakeley Authority.....	200,000	200,000
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**80. HISTORIC CHATTAHOOCHEE
COMMISSION:**

(a) Historical Resources Management Program.....		118,180
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SOURCE OF FUNDS:

(1) State General Fund.....	118,180	
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Total Historic Chattahoochee Commission.....	118,180	118,180
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The funds hereby appropriated are to
be expended only for grants,
projects, and/or any other legal
purposes in the State of Alabama.

81. HISTORIC IRONWORKS
COMMISSION:

(a) Historical Resources Management Program.....	386,057
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SOURCE OF FUNDS:

(1) State General Fund.....	386,057	
Total Historic Ironworks Commission...	386,057	386,057

82. HISTORICAL COMMISSION,
ALABAMA:

(a) Historical Resources Management Program.....	4,366,721
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(b) Capital Outlay Program.....	160,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	2,676,434
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The above appropriation shall be distributed as follows:

Historical Commission, Alabama.....	724,798
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Historical Commission, Alabama-Fendall Hall.....	137,000
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Historical Commission, Alabama-Historical Markers.....	10,000
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Historical Commission, Alabama-Museum Store at the State Capitol.....	100,000
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Historical Commission, Alabama-Helen Keller's Birthplace.....	35,000
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Historical Commission, Alabama-Fort Payne, Bridgeport and Stevenson Historical Depots/Museums.	60,000
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Historical Commission, Alabama-
Magnolia Grove.....27,124

Historical Commission, Alabama-Fort
Morgan.....129,198

Historical Commission, Alabama-Joe
Wheeler House.....35,000

Historical Commission, Alabama-Fort
Toulouse.....127,500

Historical Commission, Alabama-
John T. Morgan House,
Selma.....8,180

H i s t o r i c a l C o m m i s s i o n ,
Alabama-Cahaba.....125,000

The administrative fee charged by the
Alabama Historical Commission to
the Cahaba Account shall not
exceed 3% of the above amount.

Historical Commission, Alabama-
Gaineswood.....52,998

Historical Commission, Alabama-State
Capitol.....769,636

St. Stephens Historical Com-
mission.....250,000

Mainstreet Program.....85,000

(2) Soldiers Fund..... 369,794

As provided in Section 40-8-3, Code of
Alabama 1975.

(3) Alabama State Historical
Preservation Fund-Departmental
Receipts..... 955,493

(4) Federal and Local Funds..... 525,000

Total Alabama Historical Commission. . 2,676,434 1,850,287 4,526,721

83. HOME BUILDERS LICENSURE
BOARD:

(a) Professional and Occupational Licensing and Regulation Program.....	1,447,327
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SOURCE OF FUNDS:

(1) Home Builders Licensure Board Fund.....	997,327
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In accordance with Sections 34-14A-1
through 34-14A-17, Code of
Alabama 1975.

(2) Home Builders Licensure Board Recovery Fund.....	450,000
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Total Home Builders Licensure Board.....	1,447,327	1,447,327
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84. HUMAN RESOURCES, DEPART-
MENT OF:

(a) Human Services Program.....	436,874,930
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It is the intent of the Legislature that the Department provide adequate funding for therapeutic foster care and residential care facilities. It is the intent of the Legislature that allotments be made to the County Departments of Human Resources in the amount of \$165,500 to fund, upon approval of the county department director, supplemental client services not otherwise provided for through existing programs of the Department of Human Resources. Of the above appropriation, at least \$2.4 million shall be expended for Before and After School Care programs and at least \$7 million shall be expended for therapeutic foster care. Of the above appropriation, \$2 million shall be expended to hire 67 additional

Child Protection Services workers. The Alabama Department of Human Resources will develop program standards and implement ongoing evaluations of the operating principles of the child care management agencies for the purpose of quality improvement of child day care. The Department shall expend \$50,000 for consultants necessary to develop standards and implement the evaluations and \$50,000 for a committee to develop an evaluation system. Allotments to the county departments based on the counties' populations according to the 1990 census are as follows: county populations greater than 50,000, \$3,500; county populations less than 50,000, \$2,000.

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	39,298,312
(2) Federal and Local Funds.....	288,162,731
(3) ABC Profits.....	500,000
(4) Whiskey Tax.....	21,258,500
(5) Beer Tax.....	9,300,000
(6) Pension Residue.....	20,473,431
(7) Sales Tax.....	1,322,000
(8) Franchise Tax.....	19,500,000
(9) Child Support Collections.....	5,996,362
(10) Sales Tax for Food Stamps, Estimated.....	23,495,594

In accordance with Section 40-23-35,
Code of Alabama 1975.

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(11) Cigarette Tax.....	3,900,000		
(12) Contractor's Gross Receipts Tax. .	2,500,000		
(13) Foster Care Trust Fund.....	100,000		
(14) Child Support Interest and Fees. . .	480,000		
(15) Miscellaneous Receipts.....	588,000		
Total Department of Human Resources.....	39,298,312	397,576,618	436,874,930

**85. INDIAN AFFAIRS COMMISSION,
ALABAMA:**

(a) Social Services Program.....	304,000
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The above appropriation is to be expended in accordance with Sections 41-9-708 et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund.....	200,000		
(2) Federal and Local Funds.....	104,000		
Total Alabama Indian Affairs Commission.....	200,000	104,000	304,000

**86. INDUSTRIAL DEVELOPMENT
AUTHORITY, STATE:**

(a) Industrial Development Program.....	350,000
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SOURCE OF FUNDS:

(1) SIDA Application Fees Fund.....	350,000		
Total State Industrial Development Authority.....	350,000	350,000	

**87. INDUSTRIAL RELATIONS,
DEPARTMENT OF:**

(a) Employment Security Program.....	46,506,353
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(b) Industrial Safety and Accident Prevention Program.....	5,061,775
(c) Administrative Services Program....	16,033,724
(d) Workers' Compensation Program...	5,377,193

SOURCE OF FUNDS:

(1) State General Fund.....	718,887		
(2) Federal and Local Funds.....		72,260,158	
Total Department of Industrial Relations.....	718,887	72,260,158	72,979,045

88. INSURANCE, DEPARTMENT OF:

(a) Regulatory Services Program.....	5,729,718
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Of the above appropriation, at least \$50,000 shall be expended for public rate hearings.

SOURCE OF FUNDS:

(1) State General Fund.....	2,272,773
(2) Fire Marshal's Fund.....	256,131

As provided in Sections 34-33-11, 8-17-211, and 8-17-255, Code of Alabama 1975.

(3) Examination Revolving Fund.....	3,200,814		
Total Department of Insurance.....	2,272,773	3,456,945	5,729,718

89. INSURANCE BOARD, STATE EMPLOYEES':

(a) Administrative Support Services Program.....	1,228,260
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SOURCE OF FUNDS:

(1) State Employees' Insurance Board Expense Fund.....	1,228,260		
Total State Employees' Insurance Board.....		1,228,260	1,228,260

90. INTERIOR DESIGNERS,
ALABAMA STATE BOARD OF
REGISTRATION FOR:

(a) Professional and Occupational Licensing and Regulation Program.....	24,000
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SOURCE OF FUNDS:

(1) Interior Designer Fund.....	24,000
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As provided in Section 34-15A-7,
Code of Alabama 1975.

Total Alabama State Board of Registration for Interior Designers...	24,000	24,000
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91. LABOR, DEPARTMENT OF:

(a) Regulatory Services Program.....	309,889
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SOURCE OF FUNDS:

(1) State General Fund.....	309,889
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Total Department of Labor.....	309,889	309,889
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92. LANDSCAPE ARCHITECTS,
BOARD OF EXAMINERS OF:

(a) Professional and Occupational Licensing and Regulation Program.....	49,001
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SOURCE OF FUNDS:

(1) Landscape Architect's Fund.....	49,001
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As provided in Section 34-17-6, Code
of Alabama 1975.

Total Board of Examiners of Landscape Architects.....	49,001	49,001
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93. LIEUTENANT GOVERNOR,
OFFICE OF THE:

(a) Legislative Operations and Support Program.....	627,939
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SOURCE OF FUNDS:

(1) State General Fund.....	627,939	
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Total Office of the Lieutenant Governor.....	627,939	627,939
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94. LIQUEFIED PETROLEUM GAS
BOARD:

(a) Regulatory Services Program.....	602,371
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SOURCE OF FUNDS:

(1) Liquefied Petroleum Gas Board Fund.....	527,371
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(2) Liquefied Petroleum Gas Research and Education Fund.....	75,000
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Total Liquefied Petroleum Gas Board. .	602,371	602,371
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95. LIVESTOCK MARKET BOARD,
ALABAMA PUBLIC:

(a) Agricultural Development Service Program.....	1,500
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SOURCE OF FUNDS:

(1) Alabama Public Livestock Market Fund.....	1,500
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In accordance with Sections 2-15-115 through 2-15-127, Code of Alabama 1975.

Total Alabama Public Livestock Market Board.....	1,500	1,500
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**96. MANUFACTURED HOUSING
COMMISSION, ALABAMA:**

(a) Regulatory Services Program.....	1,683,263
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SOURCE OF FUNDS:

(1) Alabama Manufactured Housing Commission Fund.....	1,683,263
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As provided in Section 24-6-4, Code of
Alabama 1975.

Total Alabama Manufactured Housing Commission.....	1,683,263	1,683,263
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97. MEDICAID AGENCY, ALABAMA:

(a) Medical Assistance Through Medicaid Program.....	2,196,824,700
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The Medicaid Agency will reimburse
the Department of Public Health for
actual costs (in compliance with
OMB Circular A87 and Health Care
Financing Administration
guidelines) for services provided.

SOURCE OF FUNDS:

(1) State General Fund.....	159,294,453
(2) Transfer from Department of Human Resources.....	18,285,502
(3) Transfer from Department of Mental Health and Mental Retardation.....	54,847,016
(4) Transfer from Commission on Aging.....	3,024,778
(5) Transfer from Department of Public Health.....	10,114,539
(6) Transfer from Department of Youth Services.....	71,840

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(7) Transfer from Department of Rehabilitation Services.....	2,421,619		
(8) Public Hospitals Transfer.....	322,324,231		
(9) Departmental Receipts.....	2,050,000		
(10) Federal and Local Funds.....	1,593,213,722		
(11) Alabama Health Care Trust Fund.....	30,500,000		
(12) Transfer from University of Alabama in Birmingham.....	677,000		
Total Alabama Medicaid Agency.....	159,294,453	2,037,530,247	2,196,824,700

In addition to the above appropriation, there is also appropriated any local funds or transfers from other state departments as may become available to facilitate the receipt of matching federal funds in order to maximize federal participation in existing programs under Medicaid.

In addition to the above appropriation, there is hereby conditionally appropriated \$25,000,000 to the Alabama Medicaid Agency from the State General Fund, to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance, and the approval of the Governor. Ten million (\$10,000,000) shall be a first priority conditional and shall be released in full before any other conditionals may be released by the Governor.

98. MEN'S HALL OF FAME,
ALABAMA:

(a) Historical Resources Management Program.....	3,505
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SOURCE OF FUNDS:

(1) State General Fund.....	3,505	
Total Alabama Men's Hall of Fame.....	3,505	3,505

99. MENTAL HEALTH AND MENTAL
RETARDATION, DEPARTMENT
OF:

(a) Mental Illness Program.....	183,866,430
(b) Mental Retardation Program.....	120,440,593
(c) Administrative Services Program....	15,078,799

Of the above appropriation, \$160,000
shall be expended at the McNeil
Project in Bessemer.

(d) Substance Abuse Program.....	22,045,250
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	65,478,486
(2) Special Mental Health Trust Fund...	110,702,338

For Operations and Maintenance of
the Department of Mental Health
and Mental Retardation and the
Mental Health and Mental
Retardation Community Programs,
including the purchase of drugs for
medically indigent mental patients
not hospitalized at time of receiving
drugs at the Alabama state
hospitals.

(3) Cigarette Tax.....	2,500,000
(4) Departmental Receipts.....	2,000,000
(5) Indigent Offender Alcohol/Drug Treatment Fund.....	154,500
(6) Federal and Local Funds.....	160,595,748

Total Department of Mental Health and Mental Retardation.....	65,478,486	275,952,586	341,431,072
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Of the above appropriations for Mental Illness Services and Substance Abuse Services, funds shall be allocated by the DMH/MR to Regional Community Mental Health Boards established under Section 22-51-2, Code of Alabama 1975. First priority for such allocated funds shall be the development of a comprehensive array of services for seriously mentally ill, seriously emotionally disturbed, and addicted populations. Such services shall be provided by or sanctioned by said community boards according to resource allocation procedures as set forth in the Alabama Administrative Code (Section 580-1-1-.19). Such allocations to community boards shall recognize community needs and DMH/MR obligations with respect to the Wyatt Consent Decree, Federal Block Grant allocation rules, and operational funding of facilities constructed with bond issue proceeds.

100. MILITARY DEPARTMENT:

(a) Military Operations Program.....	4,780,369
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SOURCE OF FUNDS:

(1) State General Fund-Operations.....	1,551,851	
(2) State General Fund-Quarterly Allowances Headquarters.....	1,300,000	
(3) State General Fund-Active Military Service.....	7,500	
(4) State General Fund-Transfer to Armory Commission.....	1,910,018	
(5) State General Fund-Dropping Allowance.....	1,000	
(6) State General Fund-State Defense Force.....	10,000	
Total Military Department.....	4,780,369	4,780,369

**101. MILITARY DEPARTMENT -
ARMORY COMMISSION OF
ALABAMA:**

(a) Military Operations Program.....	8,319,874
(b) Capital Outlay Program.....	8,791,000

SOURCE OF FUNDS:

(1) Transfer from Military Department...	1,910,018
(2) Federal and Local Funds.....	15,070,348
(3) Military Department Billeting Revolving Fund, Estimated.....	90,508
(4) Departmental Receipts.....	40,000

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance and construction of facilities; provided, however, that the last federal government service contract reimbursement shall not revert to the State General Fund.

Total Armory Commission of Alabama.....	17,110,874	17,110,874
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**102. MOTOR SPORTS HALL OF
FAME:**

(a) Historical Resources Management Program.....	131,522
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SOURCE OF FUNDS:

(1) State General Fund.....	131,522	
Total Motor Sports Hall of Fame.....	131,522	131,522

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103. MUSIC HALL OF FAME,
ALABAMA:

(a) Fine Arts Program..... 220,559

SOURCE OF FUNDS:

(1) State General Fund..... 220,559

Total Alabama Music Hall of Fame..... 220,559 220,559

104. NURSING, ALABAMA BOARD
OF:

(a) Professional and Occupational
Licensing and Regulation
Program..... 2,393,000

SOURCE OF FUNDS:

(1) Alabama Board of Nursing Trust
Fund..... 2,393,000

As provided in Sections 34-21-1
through 34-21-43, Code of
Alabama 1975.

Total Alabama Board of Nursing..... 2,393,000 2,393,000

105. NURSING HOME
ADMINISTRATORS, BOARD OF
EXAMINERS OF:

(a) Professional and Occupational
Licensing and Regulation
Program..... 86,000

SOURCE OF FUNDS:

(1) Board of Examiners of Nursing
Home Administrators Fund..... 86,000

As provided in Section 34-20-7, Code
of Alabama 1975.

Total Board of Examiners of Nursing
Home Administrators..... 86,000 86,000

106. OCCUPATIONAL THERAPY,
ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	60,000
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SOURCE OF FUNDS:

(1) Board of Occupational Therapy Fund.....	60,000
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As provided in Section 34-39-6, Code
of Alabama 1975.

Total Alabama State Board of Occupa- tional Therapy.....	60,000	60,000
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107. OIL AND GAS BOARD:

(a) Management and Regulation of Oil and Gas Exploration and Development Program.....	2,127,465
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SOURCE OF FUNDS:

(1) State General Fund.....	1,882,465
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(2) Oil and Gas Board Special Fund.....	225,000
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(3) Surety Bond Deposits, Estimated....	20,000
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In accordance with Section 9-17-6,
Code of Alabama 1975.

Total Oil and Gas Board.....	1,882,465	245,000	2,127,465
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108. PARDONS AND PAROLES,
BOARD OF:

(a) Administration of Pardons and Paroles Program.....	15,993,454
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SOURCE OF FUNDS:

(1) State General Fund.....	12,161,173
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(2) Probationers Upkeep Fund.....	3,695,796
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In accordance with Section 15-22-2,
Code of Alabama 1975.

(3) Local Funds.....	136,485		
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Total Board of Pardons and Paroles....	12,161,173	3,832,281	15,993,454
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In addition to the above appropriation,
there is hereby appropriated
\$500,000 to be conditioned on the
availability of funds in the State
General Fund and the approval of
the Governor.

109. PEACE OFFICERS' ANNUITY
AND BENEFIT FUND, ALABAMA:

(a) Retirement Systems Program.....	407,655		
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SOURCE OF FUNDS:

(1) Peace Officers' Annuity and Benefit Fund.....	407,655		
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As provided in Section 36-21-66, Code
of Alabama 1975.

Total Alabama Peace Officers' Annuity and Benefit Fund.....	407,655	407,655	
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110. PERSONNEL DEPARTMENT,
STATE:

(a) Administrative Support Services Program.....	5,917,983		
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Of the above appropriation \$150,000
shall be transferred to the Flexible
Employees Benefit Board.

SOURCE OF FUNDS:

Transfers to the State Personnel
Department shall be as follows:

(1) Board of Public Accountancy.....	476		
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(2) Department of Aeronautics.....	544		
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(3) Commission on Aging.....	2,720
(4) Agricultural and Conservation Development Commission.....	68
(5) Agricultural Center Board.....	2,788
(6) Agricultural Museum Board.....	68
(7) Department of Agriculture and Industries.....	48,484
(8) Alcoholic Beverage Control Board. .	107,916
(9) Board of Registration for Architects.....	204
(10) Archives and History.....	6,732
(11) State Council on the Arts.....	2,516
(12) Attorney General's Office.....	17,816
(13) Board of Auctioneers.....	68
(14) State Auditor.....	1,768
(15) State Banking Department.....	7,072
(16) Building Commission.....	2,788
(17) Alabama Building Renovation Finance Authority.....	15,232
(18) Child Abuse and Neglect Prevention Board.....	952
(19) Chiropractic Examiners.....	136
(20) Choctawhatchee-Pea Rivers Watershed.....	136
(21) Department of Conservation and Natural Resources.....	217,600
(22) State Licensing Board for General Contractors.....	748

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(23) Department of Corrections.....	446,828
(24) Board of Cosmetology.....	1,700
(25) Credit Union Administration.....	1,020
(26) Alabama Crime Victims Compensation Commission.....	2,924
(27) Criminal Justice Information Center.....	7,684
(28) Alabama Development Office.....	5,712
(29) State Docks.....	50,388
(30) Department of Economic and Community Affairs.....	43,248
(31) Department of Education.....	99,348
(32) Education Employees' Health Insurance Board, Public.....	1,836
(33) Educational Television Commission.....	10,200
(34) Electrical Contractors Board.....	68
(35) Emergency Management Agency.....	7,480
(36) Employees' Insurance Board.....	2,108
(37) Board of Registration for Professional Engineers and Land Surveyors.....	816
(38) Department of Environmental Management.....	62,968
(39) Ethics Commission.....	1,496
(40) Examiners of Public Accounts.....	31,212
(41) Farmers' Market Authority.....	272
(42) Finance, Department of.....	69,768

(43) Foreign Trade Relations Commission.....	136
(44) Department of Forensic Sciences.....	18,972
(45) Forestry Commission.....	56,780
(46) Funeral Service Board.....	204
(47) Geological Survey.....	7,616
(48) Governor's Office.....	4,488
(49) Department of Public Health.....	695,776
(50) State Health Planning Agency.....	1,564
(51) Board of Heating and Air Conditioning Contractors.....	476
(52) Alabama Historical Commission....	11,832
(53) Home Builders Licensure Board....	1,360
(54) Department of Human Resources.....	589,084
(55) Alabama Indian Affairs Commission.....	476
(56) Department of Industrial Relations.....	233,920
(57) Insurance Department.....	11,356
(58) Judicial Inquiry Commission.....	68
(59) Department of Labor.....	1,088
(60) Legislative Reference Service.....	136
(61) Liquefied Petroleum Gas Board....	1,156
(62) Manufactured Housing Commission.....	2,448
(63) Alabama Medicaid Agency.....	70,380

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(64) Department of Mental Health and Mental Retardation.....	610,028
(65) Military Department.....	29,648
(66) Board of Nursing.....	3,876
(67) Board of Examiners of Nursing Home Administrators.....	68
(68) Board of Occupational Therapy....	68
(69) Oil and Gas Board.....	6,324
(70) Pardons and Paroles.....	50,320
(71) Peace Officers' Annuity and Benefit Fund.....	476
(72) Peace Officers' Standards and Training Commission.....	1,088
(73) Physical Fitness Commission.....	680
(74) Board of Physical Therapy.....	204
(75) Plumbers and Gas Fitters Examiners Board.....	2,244
(76) Public Library Service.....	7,140
(77) Department of Public Safety.....	165,648
(78) Public Service Commission.....	17,884
(79) Real Estate Appraisers Board.....	1,292
(80) Real Estate Commission.....	2,788
(81) Rehabilitation Services, Depart- ment of.....	101,252
(82) Retirement Systems.....	24,072
(83) Department of Revenue.....	187,544
(84) Secretary of State.....	5,100

(85) Securities Commission.....	3,808	
(86) Board of Social Work Examiners...	340	
(87) Soil and Water Conservation Committee.....	476	
(88) Surface Mining Commission.....	4,420	
(89) Bureau of Tourism and Travel.....	9,996	
(90) Department of Transportation.....	608,668	
(91) State Treasurer.....	6,120	
(92) Department of Veterans' Affairs....	8,840	
(93) Board of Veterinary Medical Examiners.....	68	
(94) Voter Registration.....	204	
(95) Department of Youth Services.....	89,352	
(96) Human Resources-Contract Team.....	124,884	
(97) Public Health-Contract Team.....	326,679	
(98) Transportation-Contract Team.....	382,459	
(99) Rehabilitation-Contract Team.....	140,701	
The appropriations in (96), (97), (98), and (99) are for an estimated amount as agreed upon by State Personnel Department and said departments for model work teams.		
Total State Personnel Department.....	5,917,983	5,917,983
111. PHYSICAL THERAPY, BOARD OF:		
(a) Professional and Occupational Licensing and Regulation Program.....		224,231

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SOURCE OF FUNDS:

(1) Physical Therapist Fund..... 224,231

As provided in Section 34-24-195,
Code of Alabama 1975.

Total Board of Physical Therapy..... 224,231 224,231

112. PLUMBERS AND GAS FITTERS
EXAMINING BOARD, ALABAMA:

(a) Professional and Occupational
Licensing and Regulation
Program..... 1,300,000

SOURCE OF FUNDS:

(1) Board of Plumbers and Gas Fitters
Examiners Fund..... 1,300,000

As provided in Section 34-37-5, Code
of Alabama 1975.

Total Alabama Plumbers and Gas
Fitters Examining Board..... 1,300,000 1,300,000

113. POLYGRAPH EXAMINERS,
BOARD OF:

(a) Professional and Occupational
Licensing and Regulation
Program..... 15,000

SOURCE OF FUNDS:

(1) Board of Polygraph Examiners
Fund..... 15,000

As provided in Section 34-25-5, Code
of Alabama 1975.

Total Board of Polygraph Examiners.... 15,000 15,000

114. PROSECUTION SERVICES,
OFFICE OF:

(a) Prosecution, Training, Education
and Management Program..... 1,238,833

SOURCE OF FUNDS:

(1) State General Fund.....	226,585		
(2) Office of Prosecution Services Fund.....		1,012,248	
Total Office of Prosecution Services.....	226,585	1,012,248	1,238,833

115. PSYCHOLOGY, ALABAMA
BOARD OF EXAMINERS IN:

(a) Professional and Occupational Licensing and Regulation Program.....			145,399
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SOURCE OF FUNDS:

(1) Board of Examiners in Psychology Fund.....		145,399	
As provided in Section 34-26-43, Code of Alabama 1975.			
Total Alabama Board of Examiners in Psychology.....		145,399	145,399

116. PUBLIC SAFETY, DEPART-
MENT OF:

(a) Police Services Program.....			33,483,070
Of the above appropriation, \$500,000 shall be expended by the Child Pornography Unit.			
(b) Public Safety Support Services Program.....			11,534,766
(c) Administrative Services Program....			16,984,055

SOURCE OF FUNDS:

(1) State General Fund.....	48,796,060		
(2) Transfer from Public Road and Bridge Fund-Act 91-797.....		3,500,000	

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Notwithstanding the provisions of Act 91-797, the above transfer from the Public Road and Bridge Fund may be expended for the enforcement of state traffic and motor vehicle laws.

(3) Federal and Local Funds..... 2,959,190

(4) Automated Fingerprint Identification System Fund..... 1,429,641

In accordance with Sections 12-19-180 and 32-2-61, Code of Alabama 1975.

(5) Department of Public Safety Law Enforcement Fund..... 4,000,000

In accordance with Section 32-6-5, Code of Alabama 1975.

(6) Drug Offenders Reinstatement Fund..... 10,000

(7) Commercial Driver's License Fees..... 767,000

In accordance with Section 32-5-313, Code of Alabama 1975.

(8) Public Safety Motor Vehicle Replacement Fund..... 440,000

In accordance with Sections 32-2-80 through 32-2-84, Code of Alabama 1975.

(9) Boat Driver License..... 100,000

In accordance with Sections 33-5-53(f) through 33-5-55, Code of Alabama 1975.

Total Department of Public Safety.....	48,796,060	13,205,831	62,001,891
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117. PUBLIC SERVICE COMMISSION:

(a) Regulatory Services Program..... 5,358,359

(b) Administrative Services Program....	5,241,641
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The above appropriation includes a transfer to the State General Fund of \$1,500,000 in four equal amounts at the end of each quarter of the fiscal year.

SOURCE OF FUNDS:

(1) Public Service Commission Fund....	9,926,000
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The above appropriation to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities, radio companies and transportation companies and such parts or percentages of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$600,000 shall be transferred to the State General Fund.

(2) Gas Pipeline Safety Fund.....	428,000	
(3) Departmental Receipts.....	6,000	
(4) Federal and Local Funds.....	240,000	
Total Public Service Commission.....	10,600,000	10,600,000

118. REAL ESTATE APPRAISERS BOARD, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program.....	647,048
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SOURCE OF FUNDS:

(1) Real Estate Appraisers Board Fund.....	647,048
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In accordance with Sections 34-27A-1
through 34-27A-29, Code of
Alabama 1975.

Total Alabama Real Estate Appraisers Board.....	647,048	647,048
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119. REAL ESTATE COMMISSION,
ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program.....	2,465,325
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SOURCE OF FUNDS:

(1) Alabama Real Estate Commission Fund.....	2,465,325
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As provided in Section 34-27-4, Code
of Alabama 1975.

Total Alabama Real Estate Commission.....	2,465,325	2,465,325
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120. REHABILITATION SERVICES,
DEPARTMENT OF:

(a) Rehabilitation Services Program.....	1,911,575
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SOURCE OF FUNDS:

(1) State General Fund-Homebound....	1,870,341
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(2) State General Fund-Eye Injury Register.....	41,234
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Total Department of Rehabilitation Services.....	1,911,575	1,911,575
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121. REVENUE, DEPARTMENT OF:

(a) State Revenue Administration Program.....	79,025,926
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	191,301
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As provided in Section 40-7-70, Code of Alabama 1975, to maintain a program for the equalization of ad valorem tax assessments.

(2) State General Fund-Board of Equalization.....	76,542
(3) Transfer from the gross proceeds of Cigarette Tax Collections.....	1,271,299
As provided in Section 40-25-27, Code of Alabama 1975.	
(4) Transfer from the gross proceeds of Financial Institution Excise Tax Collections.....	380,388
(5) Transfer from the proceeds of the Forest Severance Tax Collections...	140,041
(6) Transfer from the gross proceeds of Gasoline Tax Collections.....	6,757,708
(7) Transfer from the Income Tax Collections.....	22,804,346
(8) Transfer from the gross proceeds of Motor Fuel Tax Collections.....	1,388,002
(9) Transfer from the gross proceeds of Motor Vehicle License Collections.....	2,928,741
(10) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax.....	1,392,720
(11) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax.....	2,268,714
(12) Transfer from the gross proceeds of Sales Tax Collections.....	19,938,689
(13) Transfer from the gross proceeds of the Tobacco Tax Collections.....	60,044

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(14) Transfer from the gross proceeds of Use Tax Collections.....	2,182,004
(15) Transfer from the gross proceeds of the Utility Tax Collections.....	4,844,634
(16) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags.....	2,365,083
(17) Inspection fees for restored vehicles.....	1,250,000
As provided in Section 32-8-87, Code of Alabama 1975.	
(18) Transfer from Abandoned Property Trust Fund.....	100,000
As provided in Section 35-12-39, Code of Alabama 1975.	
(19) Transfer from the gross proceeds of the Pharmaceutical Services Privilege Tax Collections.....	35,857
(20) Transfer from the gross proceeds of Nursing Facility Privilege Tax Collections.....	249,813
(21) Local Funds.....	8,400,000

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law. Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

Total Department of Revenue.....	<u>267,843</u>	<u>78,758,083</u>	<u>79,025,926</u>
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122. SECRETARY OF STATE:

(a) Administrative Support Services Program.....	1,692,547
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SOURCE OF FUNDS:

(1) State General Fund.....	795,722		
(2) UCC and Farm Indexing Fund.....		233,954	
(3) Corporations Fund.....		662,871	
Total Secretary of State.....	795,722	896,825	1,692,547

123. SECURITIES COMMISSION:

(a) Regulatory Services Program.....	3,805,022
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The above appropriation includes a transfer to the State General Fund of \$1,500,000 to be made in four equal amounts at the beginning of each quarter of the fiscal year.

SOURCE OF FUNDS:

(1) Securities Commission Fund.....	2,185,022		
(2) Securities Commission Fund-Transfer to State General Fund.....		1,500,000	
(3) Sale of Checks Fund.....		20,000	
(4) Industrial Revenue Bond Notification Fund.....		100,000	
Total Securities Commission.....	3,805,022	3,805,022	

124. SENIOR CITIZENS HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program.....	15,899
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To be expended in accordance with Sections 41-9-740 et seq., Code of Alabama 1975.

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SOURCE OF FUNDS:

(1) State General Fund.....	15,899	
Total Alabama Senior Citizens Hall of Fame.....	15,899	15,899

125. SOCIAL WORK EXAMINERS,
ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....		155,139
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SOURCE OF FUNDS:

(1) Alabama State Board of Social Work Examiners Fund.....	155,139	
As provided in Section 34-30-6, Code of Alabama 1975.		
Total Alabama State Board of Social Work Examiners.....	155,139	155,139

126. SOIL AND WATER CONSERVATION COMMITTEE, STATE:

(a) Water Resource Development Program.....		1,639,626
(b) Professional and Occupational Licensing and Regulation Program.....		5,000

SOURCE OF FUNDS:

(1) State General Fund.....	1,474,626	
(2) Soil Classifiers Fund.....		5,000
As provided in Section 34-32-19, Code of Alabama 1975.		
(3) Departmental Receipts.....	165,000	
Total State Soil and Water Conservation Committee.....	1,474,626	170,000
		1,644,626

127. SOUTHERN GROWTH
POLICIES BOARD:

(a) Special Services Program..... 28,943

SOURCE OF FUNDS:

(1) State General Fund..... 28,943

Total Southern Growth Policies
Board..... 28,943 28,943128. SPEECH PATHOLOGY AND
AUDIOLOGY, ALABAMA BOARD
OF EXAMINERS FOR:(a) Professional and Occupational
Licensing and Regulation
Program..... 107,875

SOURCE OF FUNDS:

(1) Alabama Board of Examiners for
Speech Pathology and Audiology
Fund..... 107,875As provided in Section 34-28A-44,
Code of Alabama 1975.Total Alabama Board of Examiners for
Speech Pathology and Audiology.... 107,875 107,875129. SPORTS HALL OF FAME,
ALABAMA:(a) Historical Resources Management
Program..... 139,905

SOURCE OF FUNDS:

(1) State General Fund..... 139,905

Total Alabama Sports Hall of Fame..... 139,905 139,905

130. SURFACE MINING
COMMISSION, ALABAMA:(a) Industrial Safety and Accident
Prevention Program..... 4,523,515

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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	274,460		
(2) Surface Mining Commission-Fees. .		937,000	
(3) Federal and Local Funds.....		1,312,055	
(4) Bond Forfeiture/Reclamation Projects, Estimated.....		2,000,000	

As provided in Section 9-16-103, Code
of Alabama 1975.

Total Alabama Surface Mining Commission.....	274,460	4,249,055	4,523,515
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131. TENNESSEE-TOMBIGBEE
WATERWAY DEVELOPMENT
AUTHORITY:

(a) Water Resource Development Program.....			83,300
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SOURCE OF FUNDS:

(1) State General Fund.....	83,300		
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Total Tennessee-Tombigbee Water- way Development Authority.....	83,300		83,300
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132. TENNESSEE VALLEY EXHIBIT
COMMISSION OF ALABAMA:

(a) Promotional Development Program.....			344,171
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To be expended in accordance with
Sections 41-9-780 et seq., Code of
Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund.....	114,979		
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(2) Admissions and Concessions.....		229,192	
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Total Tennessee Valley Exhibit Commission of Alabama.....	114,979	229,192	344,171
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133. TOURISM AND TRAVEL, BU-
REAU OF:

(a) Tourism and Travel Promotion Program.....	7,463,677
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Of the above appropriation, \$20,000
shall be transferred to the Mountain
Lakes Tourist Association.

SOURCE OF FUNDS:

(1) State General Fund.....	500,000
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(2) Lodgings Tax (\$0.01)	6,963,677
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Receipts collected under the
provisions of Sections 40-26-1, et
seq., Code of Alabama 1975.

Total Bureau of Tourism and Travel.....	500,000	6,963,677	<u>7,463,677</u>
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134. TRANSPORTATION, DEPART-
MENT OF:

(a) Central Administration Program.....	25,702,436
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(b) Division and District Supervision Program.....	33,120,630
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(c) Operations and Support Services Program.....	12,125,995
---	------------

(d) Maintenance Program.....	215,338,505
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(e) Non-Programmatic Programs.....	26,533,735
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Proposed spending plan for the above
(e) includes the following:

Debt Service.....	21,268,345
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Equipment - Other than Auto- motive.....	5,265,390
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(f) Construction-Federal Aid Program...	505,815,479
---	-------------

Proposed spending plan for the above
(f) includes the following:

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Federal Aid Matching.....	113,647,920	
Non-Participating Work on Federal Projects.....	1,000,000	
Federal Aid.....	391,167,559	
(g) Construction-State Program.....		25,000,000
(h) Operations-Land and Buildings Program.....		6,789,955
(i) Industrial Access Program.....		11,000,000
(j) Rural Access Program, Estimated....		20,000,000
(k) Captive County Health Insurance Program.....		168,480
(l) Transfer to Department of Public Safety, in accordance with Act 91-797.....		3,500,000
(m) Debt Service, General Obligation Refunding Bonds, 1992 Series A and B.....		10,500,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	225,000	
(2) Public Road and Bridge Fund.....		500,702,656
(3) Public Road and Bridge Fund-for transfer to Department of Public Safety.....		3,500,000
(4) Federal Aid.....		391,167,559

There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid Highway Finance Authority, or Alabama Industrial Access Road and Bridge

Corporation, a total of \$21,268,345 or so much thereof as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment. The Director of Transportation with the consent of the Governor and the Director of Finance shall have the authority to transfer any appropriation or any portion thereof between and among Subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), and (k) of this Section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable. In the event of such insufficiency in respect of the said revenues accruing to the Department of Transportation:

- (1) the appropriation made for Debt Service in Subsection (e) hereof shall be paid in full, (2) the appropriations from the revenues accruing to the Department of Transportation that are herein made for the purposes referred to in Subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), and (k) except for Debt Service, hereof shall be allocated among the purposes referred to in said Subsections in such order and with such priorities as the Director of the Department of Transportation shall from time to time direct. The funds appropriated in Subsection (f) hereof, for the matching Federal Funds, shall not revert at the end of the fiscal year

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for which such appropriations are made, but shall remain available for the purposes for which such appropriations were made. In addition to all appropriations hereinabove made there is hereby appropriated to the Department of Transportation all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available.

Total Department of Transportation.....	225,000	895,370,215	895,595,215
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135. TREASURER, STATE:

(a) Fiscal Management Program.....			6,230,312
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SOURCE OF FUNDS:

(1) State General Fund.....	2,565,686		
(2) Prepaid Affordable College Tuition Fund.....		3,530,251	
(3) Departmental Receipts.....		134,375	
Total State Treasurer.....	2,565,686	3,664,626	6,230,312

136. UNIFORM STATE LAWS,
ALABAMA COMMISSION ON:

(a) Special Services Program, Estimated.....			30,000
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SOURCE OF FUNDS:

(1) State General Fund.....	30,000		
As provided in Section 41-9-374, Code of Alabama 1975.			
Total Alabama Commission on Uniform State Laws.....	30,000		30,000

137. VETERANS' AFFAIRS, DEPARTMENT OF:

(a) Administration of Veterans' Affairs Program.....	10,156,217
--	------------

SOURCE OF FUNDS:

(1) State General Fund.....	3,023,997		
(2) Veterans' Home Trust Fund-Transfer.....		7,132,220	
Total Department of Veterans' Affairs...	3,023,997	7,132,220	10,156,217

138. VETERINARY MEDICAL EXAMINERS, ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	250,000
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SOURCE OF FUNDS:

(1) State Board of Veterinary Medical Examiners Fund.....	250,000		
As provided in Section 34-29-70, Code of Alabama 1975.			
Total Alabama State Board of Veterinary Medical Examiners.....		250,000	250,000

139. VOTER REGISTRATION IDENTIFICATION PROGRAM:

(a) Special Services Program.....	310,043
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SOURCE OF FUNDS:

(1) State General Fund.....	304,043		
(2) Voter Registration Fund.....		6,000	
Total Voter Registration Identification Program.....	304,043	6,000	310,043

140. WOMEN'S COMMISSION,
ALABAMA:

(a) Employment and Social Opportunities Program.....	10,200
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SOURCE OF FUNDS:

(1) State General Fund.....	10,200	
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Total Alabama Women's Commission.....	10,200	10,200
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141. WOMEN'S HALL OF FAME,
ALABAMA:

(a) Historical Resources Management Program.....	8,100
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SOURCE OF FUNDS:

(1) State General Fund.....	8,100	
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Total Alabama Women's Hall of Fame.....	8,100	8,100
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142. YOUTH SERVICES, DEPARTMENT OF:

(a) Youth Services Program.....	9,873,108
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The above appropriation shall be expended in accordance with the provisions of Sections 44-1-1 through 44-1-56, Code of Alabama 1975.

(b) Youth Services-Boot Camp Programs.....	2,500,000
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SOURCE OF FUNDS:

(1) State General Fund-Community Subsidy.....	3,229,108
---	-----------

(2) State General Fund-Boot Camp Programs.....	2,500,000
--	-----------

(3) State General Fund-Juvenile Probation Officers Subsidy.....	6,644,000	
Total Department of Youth Services.....	12,373,108	12,373,108

The above appropriation for Community Subsidy shall include at least \$103,425 for those nonsecure programs funded in fiscal year 1995-96.

2D. OTHER FUNCTIONS OF GOVERNMENT FUNDED FROM THE STATE GENERAL FUND:

1. ARREST OF ABSCONDING FELONS:

(a) Criminal Investigation Program, Estimated.....	60,450
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SOURCE OF FUNDS:

(1) State General Fund.....	60,450
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As provided in Sections 15-9-1 and 15-9-3, Code of Alabama 1975.

Total Arrest of Absconding Felons.....	60,450	60,450
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2. AUTOMATIC APPEAL EXPENSE:

(a) Legal Advice and Legal Services Program, Estimated.....	82
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SOURCE OF FUNDS:

(1) State General Fund.....	82
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As provided in Sections 12-22-150 and 12-22-241, Code of Alabama 1975.

Total Automatic Appeal Expense.....	82	82
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3. BUSKEY MATCHING FUNDS - PENNY TRUST FUND:

(a) Special Services Program, Estimated.....	15,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer..... 15,000

In accordance with Sections
41-15A-10 through 41-15A-12,
Code of Alabama 1975.

Total Buskey Matching Funds - Penny Trust Fund.....	15,000	15,000
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4. COURT ASSESSED COSTS NOT
PROVIDED FOR:

(a) Special Services Program,
Estimated..... 2,500,000

As provided in Sections 22-52-14,
30-4-96, 26-17-17, 22-11A-1
through 22-11A-41, 12-15-71 and
12-21-131, Code of Alabama 1975.

(b) Legal Advice and Legal Services
Program..... 250,000

It is the intent of the Legislature that
the appropriation in this subsection
be expended for Court Costs to
include costs of depositions,
witness fees and expenses, filing
and docket fees, court reporters,
court judgments, attorneys fees,
out-of-court settlements and other
expenses ordered by the court or
normally identified as costs of court,
when any of the above is approved
by the Attorney General.

(c) Automatic Appeal Cases Expense
Program..... 40,307

The above appropriation shall be used
to reimburse reasonable expenses
incurred by attorneys representing
defendants under sentence of
death in state collateral
proceedings, such as those under
Rule 32 of the Rules of Criminal

Procedure. Provided, in no case may any amount be paid unless the court determines by written order in advance that the cost is both necessary and reasonable; in no single case may the total amount paid for all costs exceed \$5,000; and in no event may any amount be paid out of this appropriation as fees to any attorney for services, or to compensate any attorney for time either as an attorney in the proceeding or as a witness.

SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	2,500,000	
(2) State General Fund.....	250,000	
(3) State General Fund-Automatic Appeal Cases.....	40,307	
Total Court Assessed Costs Not Provided For.....	2,790,307	2,790,307

5. COURT COSTS-ACT NO. 558,
1957:

(a) Court Operations Program, Estimated.....	200
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SOURCE OF FUNDS:

(1) State General Fund.....	200	
Pursuant to Act No. 558, 1957, Page 777.		
Total Court Costs-Act No. 558, 1957....	200	200

6. DISTRIBUTION OF PUBLIC
DOCUMENTS:

(a) Administrative Support Services Program, Estimated.....	300,000
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SOURCE OF FUNDS:

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(1) State General Fund..... 300,000

As provided in Sections 36-14-1,
36-14-11, 17-22A-11 and 41-21-8,
Code of Alabama 1975.

Total Distribution of Public Documents.....	<u>300,000</u>	<u>300,000</u>
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7. STATE DOCKS TRANSFER: 3,500,000

SOURCE OF FUNDS:

(1) State General Fund..... 3,500,000

The above appropriation to the State
Docks shall be conditional upon the
availability of funds and shall
remain in the State General Fund
until a demonstrated need is
determined and recommended by
the Director of Finance and
approved by the Governor.

Total State Docks Transfer.....	<u>3,500,000</u>	<u>3,500,000</u>
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8. ELECTION EXPENSES:

(a) Special Services Program, Estimated.....		3,500,000
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(b) Training of Election Officials.....		72,694
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For payment of expenses pursuant to
the court order entered by the U.S.
District Court, Middle District of
Alabama in Civil Action No.
84-T-595-N.

SOURCE OF FUNDS:

(1) State General Fund..... 3,500,000

As provided in Section 17-21-6, Code
of Alabama 1975.

(2) State General Fund.....	<u>72,694</u>	
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Total Election Expenses.....	<u>3,572,694</u>	<u>3,572,694</u>
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**9. EMERGENCY FUND,
DEPARTMENTAL:**

(a) Special Services Program..... 1,000,000

SOURCE OF FUNDS:

(1) State General Fund..... 1,000,000

This is the appropriation contemplated in Section 41-4-94, Code of Alabama 1975, and shall be the only amount appropriated and the total amount expended under the provisions of said section. This appropriation shall be expended solely for the purpose of addressing a financial emergency within a state department, board, commission, bureau, office or agency. None of the above appropriation shall be transferred to the Governor's Contingency Fund. At least 10 days prior to the release of any of this appropriation to any state department, board, commission, bureau, office or agency, the director of Finance shall notify the Chairman of the Senate Finance and Taxation Committee and the Chairman of the House Committee on Ways and Means of such pending transfer.

Total Departmental Emergency Fund...	<u>1,000,000</u>	<u>1,000,000</u>
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10. FAIR TRIAL TAX TRANSFER:(a) Court Operations Program,
Estimated..... 6,844,000**SOURCE OF FUNDS:**(1) State General Fund-Transfer..... 6,844,000

Total Fair Trial Tax Transfer.....	<u>6,844,000</u>	<u>6,844,000</u>
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11. FEEDING OF PRISONERS:

(a) Institutional Services-Corrections Program, Estimated.....	5,000,000
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SOURCE OF FUNDS:

(1) State General Fund.....	5,000,000
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For expenses of feeding prisoners in
county jails in accordance with
Section 14-6-42, Code of Alabama
1975.

Total Feeding of Prisoners.....	<u>5,000,000</u>	<u>5,000,000</u>
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12. FINANCE-CMIA, DEPARTMENT
OF:

(a) Fiscal Management Program, Estimated	700,000
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SOURCE OF FUNDS:

(1) State General Fund	700,000
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As provided in Section 41-4-38, Code
of Alabama 1975.

Total Department of Finance-CMIA.....	<u>700,000</u>	<u>700,000</u>
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13. FINANCE, DEPARTMENT OF -
EMPLOYEES' SUGGESTION
AWARDS PROGRAM:

(a) Fiscal Management Program.....	10,000
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SOURCE OF FUNDS:

(1) State General Fund.....	10,000
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In accordance with Section 36-1-7,
Code of Alabama 1975.

Total Department of Finance - Employees' Suggestion Awards Program.....	<u>10,000</u>	<u>10,000</u>
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14. FINANCE-FEMA, DEPARTMENT
OF:

(a) Readiness and Recovery Program, Estimated.....	937,500
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Payments of the State's share of
administrative costs and matching
grants furnished by the Federal
Emergency Management Agency.

SOURCE OF FUNDS:

(1) State General Fund.....	937,500	
Total Department of Finance-FEMA.....	937,500	937,500

The above appropriation to the
Department of Finance-FEMA from
the State General Fund is
conditioned upon the declaration of
a natural disaster area by the
President of the United States and
conditioned further upon the
requirement by the Federal
Management Agency or the U.S.
Soil and Conservation Service for
the State of Alabama to pay a state
match for FEMA or SCS grants.

15. FOREST FIRE FUND,
EMERGENCY:

(a) Forest Resources Protection and Development Program.....	180,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	180,000
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The appropriation to the Emergency
Forest Fire Fund shall be
conditional as provided by Section
9-3-10.1, Code of Alabama 1975
and shall remain in the State
General Fund until a demonstrated
need is determined and
recommended by the Director of
Finance and approved by the
Governor.

Total Emergency Forest Fire Fund.....	180,000	180,000
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16. GOVERNOR'S CONFERENCE,
NATIONAL:

(a) Executive Direction Program,
Estimated..... 173,602

SOURCE OF FUNDS:

(1) State General Fund..... 173,602

Total National Governor's
Conference..... 173,602 173,602

17. GOVERNOR'S PROCLAMATION
EXPENSES:

(a) Executive Direction Program,
Estimated..... 200,000

SOURCE OF FUNDS:

(1) State General Fund..... 200,000

As provided in Section 17-14-21, Code
of Alabama 1975.

Total Governor's Proclamation
Expenses..... 200,000 200,000

18. GOVERNOR'S WIDOW
RETIREMENT:

(a) Executive Direction Program,
Estimated..... 14,400

SOURCE OF FUNDS:

(1) State General Fund..... 14,400

As provided in Section 36-13-12, Code
of Alabama 1975.

Total Governor's Widow Retirement..... 14,400 14,400

19. LAW ENFORCEMENT FUND:

(a) Criminal Investigation Program,
Estimated..... 137,200

SOURCE OF FUNDS:

(1) State General Fund..... 137,200

As provided in Sections 28-4-311 and
28-4-312, Code of Alabama 1975.

Total Law Enforcement Fund..... 137,200 137,200

20. LAW ENFORCEMENT LEGAL
DEFENSE:(a) Legal Advice and Legal Services
Program, Estimated..... 2,000

SOURCE OF FUNDS:

(1) State General Fund..... 2,000

To carry out provisions of Section
36-21-1, Code of Alabama 1975.Total Law Enforcement Legal
Defense..... 2,000 2,00021. MILITARY - EMERGENCY
ACTIVE DUTY PAY:(a) Military Operations Program,
Estimated..... 200,000

SOURCE OF FUNDS:

(1) State General Fund..... 200,000

As provided in Section 31-2-133, Code
of Alabama 1975.Total Military - Emergency Active Duty
Pay..... 200,000 200,00022. PRINTING OF CODE
SUPPLEMENTS - LEGISLATIVE
REFERENCE SERVICE:(a) Legislative Operations and Support
Program, Estimated..... 214,880

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SOURCE OF FUNDS:

(1) State General Fund..... 214,880

As provided in Section 29-7-6, Code of
Alabama 1975.

Total Printing of Code Supplements -
Legislative Reference Service.....

214,880

214,880

It is the intent of the Legislature that
the number of Codes and
Supplements printed and
distributed shall be limited to the
minimum number actually needed,
utilized and required by law.
Procedures should be adopted to
verify the need and utility of
required printed sets to insure
printing cost savings when possible.

23. PRINTING CODES AND
SUPPLEMENTS - SECRETARY
OF STATE:

(a) Administrative Support Services
Program, Estimated.....

121,317

SOURCE OF FUNDS:

(1) State General Fund..... 121,317

As provided in Sections 41-21-1
through 41-21-8 and 41-4-154,
Code of Alabama 1975.

Total Printing Codes and Supple-
ments - Secretary of State.....

121,317

121,317

It is the intent of the Legislature that
the number of Codes and
Supplements printed and
distributed shall be limited to the
minimum number actually needed,
utilized and required by law.
Procedures should be adopted to
verify the need and utility of
required printed sets to insure
printing cost savings when possible.

24. PRINTING OF LEGISLATIVE
ACTS AND JOURNALS:

(a) Administrative Support Services Program, Estimated.....	443,385
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SOURCE OF FUNDS:

(1) State General Fund.....	443,385
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As provided in Sections 41-4-130
through 41-4-161, Code of
Alabama 1975.

Total Printing of Legislative Acts and Journals.....	<u>443,385</u>	<u>443,385</u>
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25. REGISTRATION OF VOTERS:

(a) Special Services Program, Estimated.....	2,800,000
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SOURCE OF FUNDS:

(1) State General Fund.....	2,800,000
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In accordance with Sections 17-4-126
and 17-4-153, Code of Alabama
1975.

Total Registration of Voters.....	<u>2,800,000</u>	<u>2,800,000</u>
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26. REMOVAL OF PRISONERS:

(a) Administrative Services and Logistical Support Program, Estimated.....	400,000
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SOURCE OF FUNDS:

(1) State General Fund.....	400,000
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As provided in Sections 15-10-70
through 15-10-73, 15-9-62, 15-9-65
and 15-9-81, Code of Alabama
1975.

Total Removal of Prisoners.....	<u>400,000</u>	<u>400,000</u>
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27. STATE GENERAL FUND,
ESTIMATED:

50,000,000

SOURCE OF FUNDS:

(1) Heritage Trust Income Fund
Transfer, Estimated.....

50,000,000

All income other than income realized
on the sale of Trust Fund assets
and not otherwise appropriated
herein.

Total State General Fund, Estimated...

50,000,000 50,000,000

2E. DEBT SERVICE FUNDED FROM
THE STATE GENERAL FUND:

1. General Obligation Capital Improve-
ment Bonds, Series B, Estimated...

1,567,500

SOURCE OF FUNDS:

(1) State General Fund, Estimated.....

1,567,500

Total General Obligation Capital
Improvement Bonds, Series B,
Estimated.....

1,567,500 1,567,500

2. General Obligation Waterway
Refunding Bonds, Series 1992,
Estimated.....

3,000,275

SOURCE OF FUNDS:

(1) State General Fund, Estimated.....

3,000,275

Total General Obligation Waterway
Refunding Bonds, Series 1992,
Estimated.....

3,000,275 3,000,275

3. Music Hall of Fame Bonds,
Estimated.....

349,100

SOURCE OF FUNDS:

(1) State General Fund, Estimated.....

349,100

Pursuant to Constitutional Amendment
No. 489 as provided in Act 88-549,
1988 Regular Session.

Total Music Hall of Fame Bonds, Estimated.....	<u>349,100</u>	<u>349,100</u>
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4. Corrections Institutions Bonds, Estimated.....		1,260,000
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SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	1,260,000	
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Pursuant to Constitutional Amendment
No. 374 as provided for in Act No.
134, 1978 Second Special Session.

Total Corrections Institutions Bonds, Estimated.....	<u>1,260,000</u>	<u>1,260,000</u>
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5. General Obligation Capital Bonds, 1990 Series, Estimated.....		1,919,330
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SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	1,919,330	
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Pursuant to Constitutional Amendment
No. 510 as provided for in Act
89-799, 1989 Regular Session.

Total General Obligation Capital Bonds, 1990 Series, Estimated.....	<u>1,919,330</u>	<u>1,919,330</u>
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6. General Obligation Refunding Bonds, 1992, Series A and B, Estimated.....		34,030,319
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SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	<u>34,030,319</u>	
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Total General Obligation Refunding Bonds, 1992, Series A and B, Estimated.....	<u>34,030,319</u>	<u>34,030,319</u>
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SECTION 3. That, except as may be herein otherwise provided, amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Sections 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Sections 41-4-80 et seq., Code of Alabama 1975, and the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975.

SECTION 4. That any surplus remaining in any appropriation herein made from the State General Fund to any office, department, bureau, board, commission or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission or agency is insufficient to pay salaries in that office, department, bureau, board, commission or agency.

SECTION 5. In addition to appropriations herein made, all gifts, grants, contributions or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 6. All interest earned from funds paid into Account No. 396 (formerly Account No. 305735) by Act 87-761, Act 88-947, Act 89-79, Act 90-556 and Act 91-572 are hereby appropriated to the Governor's Contingency Fund to be spent at the discretion of the Governor. Any other interest earned by the state from Revenue Sharing Investments under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, together with any accruals or reversions thereon are hereby appropriated to the State General Fund.

SECTION 7. All encumbered balances of a previous fiscal year appropriation, other than the exclusions authorized in Section 41-4-93, Code of Alabama 1975, shall lapse no later than September 30 of the fiscal year

immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the State General Fund or earmarked fund from which the appropriation or appropriations were made.

SECTION 8. The appropriations made herein to the departments, boards, offices, commissions and agencies include the amounts necessary and said departments, boards, offices, commissions and agencies are hereby directed to make the transfer of funds to the State Personnel Department in said amounts enumerated in this Act. All agencies enumerated in this Act and receiving services from other governmental agencies enumerated in this Act shall make full payment in a timely manner (as determined by the Department of Finance) for such services.

SECTION 9. If any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

SECTION 10. (a) Funds appropriated from the State General Fund or earmarked state funds in this act to any state department, division, board, bureau, commission, agency, institution, or office (with the exception of local boards of education, the Department of Transportation, postsecondary institutions of education and the legislative branch of government) shall not be expended for the purchase or lease of automotive vehicles. Notwithstanding the foregoing, the Department of Public Safety may purchase automotive vehicles to be used for direct law enforcement purposes only. The Department of Public Safety may not transfer automotive vehicles from law enforcement personnel nor vehicles designated for law enforcement purposes to other personnel in that department nor shall vehicles be transferred to be used for any other purpose in that department nor transferred to any other state agency. A state agency may request to purchase or lease automotive vehicles for emergency purposes. The request shall be made in writing to the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation-General Fund. The request shall explain the nature of the automotive purchase or lease and the emergency need for the vehicle. The request shall be approved unanimously by the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation-General Fund prior to the purchase or lease of any automotive vehicle.

(b) No funds appropriated in this Act shall be expended for the purpose of purchasing optional equipment on state motor vehicles that consist of stereo equipment, power seats, leather upholstery, premium wheel covers, deluxe exterior trim, or sun roofs.

SECTION 11. All laws and parts of laws, general, special, private or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

SECTION 12. Each agency of the State funded through the provisions of this Act shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

SECTION 13. This Act shall become effective October 1, 1996.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 92; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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REPORT FILED

The Report of the Permanent Joint Legislative Committee on Finances and Budgets created by Act 91-652, was submitted by Senator Lowell Barron, Chairman of the Finance and Taxation Committee - General Fund, Senator Hank Sanders, Chairman, Finance and Taxation Committee - ASETF and Representative Bill Fuller, Chairman, Ways and Means Committee, to the Alabama Legislature of 1996, and the report was ordered filed.

H. 301 RESUMED

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Ways and Means to the bill, H. 301, as amended, said committee amendment being as follows:

Amend H. 301 on page 79, lines 9, 11 and 13 by deleting the figure "83,300" and inserting in lieu thereof the figure "103,300".

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 83; Nays 0.

Yea:

Representatives Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Rogers (J), Sanderford, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-83

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Ways and Means to the bill, H. 301, as amended, said committee amendment being as follows:

Amend H. 301 as substituted on page 32, line 27 by deleting the figure "1,556,367" and inserting in lieu thereof the figure "2,000,000".

Further amend the bill on page 31, line 28 by deleting the figure "52,988,254" and inserting in lieu thereof the figure "52,544,621".

Further amend the bill on page 32 after line 27 by adding the following: "Of the above appropriation to the Water Resources program the amount of \$443,633 shall be expended for costs associated with a water resources lawsuit against the State of Georgia. If the need for those funds associated with this lawsuit does not materialize in fiscal year 1997, then the director may use said funds for other Water Resources program purposes upon notification of the Chairmen of Ways and Means and Finance and Taxation-General Fund Committees thirty days before said use."

AMENDMENT ADOPTED

And the amendment #2 was adopted.

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Yeas 90; Nays 0.

Yea:

Representatives Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-90

The question was then on the adoption of the amendment #3 reported by the Standing Committee on Ways and Means to the bill, H. 301, as amended, said committee amendment being as follows:

Amend H. 301 As Substituted on Page 91, line 11 after the word "Means" by inserting the following language: "and the Director of the Legislative Fiscal Office"

AMENDMENT ADOPTED

And the amendment #3 was adopted.

Yeas 91; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-91

The question was then on the adoption of the amendment #4 reported by the Standing Committee on Ways and Means to the bill, H. 301, as amended, said committee amendment being as follows:

Amend H. 301 As Substituted on Page 22, line 24 by deleting the figure "2,650,416" and inserting in lieu thereof the figure "2,700,416".

Further amend the bill on Page 23, by adding after line 22 the following and renumbering accordingly:

"(6) State General Fund	
Transfer Marine	
Resources Fund.....	50,000"

Further amend the bill on Page 22, line 22 by deleting the figure "5,361,361" and inserting in lieu thereof the figure "5,461,361".

Further amend the bill on Page 24 by adding after line 14 the following and renumbering accordingly:

"(9) Marine Police-State	
General Fund-Transfer.....	100,000"

Further amend the bill on Page 24, line 26 by deleting the figures "415,019" and "67,063,576" and inserting in lieu thereof the figures "565,019" and "67,213,576" respectively.

Further amend on Page 90, lines 14 and 15 and on Page 91, line 12 by striking "860,000" and inserting in lieu thereof "710,000".

AMENDMENT TABLED

On motion of Representative Fuller, the committee amendment #4 was tabled.

Yeas 89; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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The question was then on the adoption of the amendment #5 reported by the Standing Committee on Ways and Means to the bill, H. 301, as amended, said committee amendment being as follows:

Amend H. 301 As Substituted on Page 32 line 3 by deleting the figure "25,000,000" and inserting in lieu thereof the figure "25,140,000".

Further amend the bill on Page 32 after the period on line 19 by adding the following: "of the above appropriation to the Special Services Program, the amount of \$140,000 shall be used for the Ft. McClellan Reuse and Redevelopment Authority."

Further amend the bill on Page 32, line 30 by deleting the figure "10,649,554" and inserting in lieu thereof the figure "10,789,554".

Further amend the bill on Page 33, line 10 by deleting the figures "10,649,554" and "153,978,812" and inserting in lieu thereof the figures "10,789,554" and "154,118,812" respectively.

Further amend the bill on Page 90 on lines 13 and 15 and on Page 91 on line 12 by deleting the figure "1,000,000" and inserting in lieu thereof the figure "860,000".

AMENDMENT ADOPTED

And the amendment #5 was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

AMENDMENT OFFERED

Representative Fuller offered the following amendment #1 to the bill, H. 301, as amended:

Amend H. 301 As Substituted on Page 22, line 24 by deleting the figure "2,650,416" and inserting in lieu thereof the figure "2,700,416".

Further amend the bill on Page 23, by adding after line 22 the following and renumbering accordingly:

"(6) State General Fund	
Transfer Marine	
Resources Fund.....	50,000

Further amend the bill on Page 22, line 22 by deleting the figure "5,361,361" and inserting in lieu thereof the figure "5,461,361".

Further amend the bill on Page 24 by adding after line 14 the following and renumbering accordingly:

"(9) Marine Police-State	
General Fund-Transfer.....	100,000"

Further amend the bill on Page 24, line 26 by deleting the figures "415,019" and "67,063,576" and inserting in lieu thereof the figures "565,019" and "67,213,576" respectively.

Further amend on Page 90, lines 13 and 15 and on Page 91, line 12 by striking "860,000" and inserting in lieu thereof "710,000".

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 93; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

REGULAR SESSION
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AMENDMENT OFFERED

Representative Dolbare offered the following amendment to the bill, H. 301, as amended:

Amend H. 301 as substituted on page 49, line 14 by deleting the figure "250,000" and inserting in lieu thereof the figure "500,000".

Further amend the bill on page 48, line 3 by deleting the figure "2,676,434" and inserting in lieu thereof the figure "2,926,434".

Further amend the bill on page 49, line 23 by deleting the figures "2,676,434" and "4,526,721" and inserting in lieu thereof the figures "2,926,434" and "4,776,721" respectively.

Further amend the bill on page 47, line 33 by deleting the figure "4,366,721" and inserting in lieu thereof the figure "4,616,721".

Further amend the bill on page 83, line 31 and page 84, line 4 by deleting the figure "2,565,686" and inserting in lieu thereof the figure "2,315,686".

Further amend the bill on page 83, line 29 and on page 84 line 4 by deleting the figure "6,230,312" and inserting in lieu thereof the figure "5,980,312".

AMENDMENT TABLED

On motion of Representative Fuller, the amendment offered by Representative Dolbare to the bill, H. 301, as amended, was tabled.

Yeas 52; Nays 23.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carter, Crigler, Flowers, Fuller, Galliher, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morton, Murphree, Newton (D), Papucci, Perdue, Petelos, Rogers (J), Sanderford, Smith, Spratt, Thomas (J), Vance, Venable and Willis.

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Nay:

Representatives Box, Carns, Carothers, Clouse, Curry, Dolbare, Gaines, Gipson, Hamilton, Layson, McKee, Morrison, Newton (C), Parker (P), Payne, Pringle, Rogers (M), Seibenhener, Sims, Starkey, Townsend, Warren and White.

-23

AMENDMENT OFFERED

Representative White offered the following amendment to the bill, H. 301, as amended:

Amend H. 301 as substituted on page 41 by deleting lines 7 through 20 in their entirety and inserting in lieu thereof the following:

**"63. FORESTRY COMMISSION,
ALABAMA:**

(a) Forest Resources Protection and Development Program.....	24,876,635
(b) Capital Outlay Program.....	180,000

SOURCE OF FUNDS:

(1) State General Fund- Transfer.....	12,474,757		
(2) Federal and Local Funds		4,532,103	
(3) Forestry Commission Fund.....		<u>8,049,775</u>	
Total Alabama Forestry Commission.....	<u>12,474,757</u>	<u>12,581,878</u>	<u>25,056,635</u>

Of the above appropriation
to the Alabama Forestry
Commission, \$2,365,902
shall be used for rural and
community fire protection."

AMENDMENT TABLED

On motion of Representative Fuller, the amendment offered by Representative White to the bill, H. 301, as amended, was tabled.

Yeas 58; Nays 18.

Yea:

Representatives Bandy, Black (L), Black (M), Box, Boyd, Burke, Carter, Clark (W), Clouse, Curry, Dean, Dukes, Flowers, Fuller, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Johnson (E), Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Minnifield, Morrow, Morton, Newton (C), Newton (D), Page, Papucci, Parker (P), Perdue, Petelos, Robinson, Rogers (J), Sanderford, Spratt, Starkey, Thomas (J), Turner, Vance, Venable and Willis.

Nay:

Representatives Carns, Gaines, Galliher, Gipson, Hamilton, Hinshaw, Layson, McMillan, Millican, Morrison, Murphree, Payne, Rogers (M), Seibenhener, Sims, Townsend, Warren and White.

-18

AMENDMENT OFFERED

Representative Lindsey offered the following amendment to the bill, H. 301, as amended:

Amend H. 301 as substituted on page 80 after line 30 by adding the following:

"It is the intent of the Legislature that at least \$20,000,000 be appropriated to the Rural Access Program. In the event revenue from the enforcement of and collection of diesel fuel taxes and fees shall be less than \$20,000,000, an amount necessary to fund the Rural Access Program at the \$20,000,000 level shall be transferred by the Director of Transportation from the appropriation to the Maintenance Program in subsection (d) above."

AMENDMENT TABLED

On motion of Representative McDaniel, the amendment offered by Representative Lindsey to the bill, H. 301, as amended, was tabled.

Yeas 37; Nays 36.

Yea:

Representatives Baker, Black (L), Box, Carns, Carothers, Clark (W), Curry, Dolbare, Flowers, Gipson, Hall (A), Hammett, Haney, Hawkins, Hayden, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (J), McAdory, McClammy, McDaniel, Millican, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Petelos, Rogers (J), Sanderford, Starkey, Thomas (J) and Vance.

-37

Nay:

Representatives Black (M), Burke, Carter, Clouse, Collins, Crigler, Dean, Dukes, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hamilton, Hill, Hilliard, Johnson (E), Knight (A), Laird, Layson, Lindsey, Morrison, Morrow, Page, Pringle, Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Venable and Warren.

-36

AMENDMENT OFFERED

Representative Hill offered the following amendment to the bill, H. 301, as amended:

To amend H. 301 as substituted on page 63, line 8 by deleting the figure "500,000" and inserting in lieu thereof the figure "1,500,000".

Further amend the bill on page 63, line 11 by adding after the "period" the following:

"This shall be the fourth priority conditional and may be released by the Governor after the priority conditionals for Medicaid, the Legislature and the Unified Judicial System have been released in full and must be released in full before any other conditionals from the State General Fund."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 88; Nays 2.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-88

Nay:

Representatives Dolbare and Maull.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 123. To make an appropriation from the State General Fund in the amount of \$1,700,000 to the full member Children's Advocacy Centers for the fiscal year ending September 30, 1997, and to require operations plans and audited financial statements prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 123, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 351. To prohibit the sale of cigarettes at below cost with intent to injure competitors or destroy or substantially lessen competition among cigarette sellers; to provide penalties for violations; to repeal Section 40-25-5, Code of Alabama 1975; to distribute the revenue generated by the repeal of the discount; and to provide for enforcement by the Commissioner of the Alabama Department of Revenue.

TOMMY CARTER
Chairman

And the bill, H. 351, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 305. To make an appropriation of \$69,650 from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 305, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 304. To make an appropriation of \$62,761 from the State General Fund to the Tri-Rivers Waterway Development Authority for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 304, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 319. To make an appropriation of \$192,600 from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1997, and to require an operations plan and an audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 319, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 322. To make an appropriation of \$759,674 from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1997, and to require an operations plan and an audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 322, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 325. To make an appropriation of \$93,442 from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 325, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 314. To make an appropriation of \$35,050 from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 314, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 323. To make an appropriation of \$61,853 from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 323, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 303. To make an appropriation of \$13,041 from the State General Fund to the Alabama's Junior Miss Pageant for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 303, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 307. To make an appropriation of \$18,600 from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 307, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 315. To make an appropriation of \$42,500 from the State General Fund to the Parkinson Association of Alabama for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 315, as engrossed, was ordered sent to the Senate.

H. 301 RESUMED

AMENDMENT OFFERED

Representative Minnifield offered the following amendment #1 to the bill, H. 301, as amended:

On page 43, lines 26 and 27, delete in each place the figure 401,798 and insert in lieu thereof: 351,798

AMENDMENT TABLED

On motion of Representative Fuller, the amendment #1 offered by Representative Minnifield to the bill, H. 301, as amended, was tabled.

Yeas 67; Nays 16.

Yea:

Representatives Allen, Bandy, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turnham, Venable, White, Willis and Wren.

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Nay:

Representatives Buskey, Hall (L), Hilliard, Holmes, Houston, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Minnifield, Mitchell, Newton (D), Parker (P), Rogers (J) and Spratt.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Bandy inadvertently voted "Yea" and intended to vote "Nay" on the amendment #1 offered by Representative Minnifield to the bill, H. 301, as amended.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 326. To make an appropriation of \$100,000 from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1997, and

to require an operations plan and an audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 326, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 328. To make an appropriation of \$69,933 from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 328, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 332. To make an appropriation of \$291,593 from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1997, and to require an operations plan prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 332, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 335. To make an appropriation of \$100,000 from the State General Fund to both the Montgomery Minority Business Development Center and to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 335, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 336. To make an appropriation of \$325,000 from the State General Fund to the Alabama Kidney Foundation, Inc. for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 336, as engrossed, was ordered sent to the Senate.

H. 301 RESUMED**AMENDMENT OFFERED**

Representative Minnifield offered the following amendment #2 to the bill, H. 301, as amended:

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On page 79, line 32, delete 500,000 and insert in lieu thereof: 400,000

Also, on page 80, line 5, delete 500,000 and insert in lieu thereof: 400,000

Also, on page 80, line 5, delete 7,463,677 and insert in lieu thereof:
7,363,677

AMENDMENT TABLED

On motion of Representative Fuller, the amendment #2 offered by Representative Minnifield to the bill, H. 301, as amended, was tabled.

Yeas 68; Nays 18.

Yea:

Representatives Allen, Black (M), Box, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

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Nay:

Representatives Baker, Bandy, Black (L), Boyd, Buskey, Guin, Hall (L), Hilliard, Holmes, Houston, Johnson (E), Kennedy, McAdory, Minnifield, Mitchell, Newton (D), Rogers (J) and Spratt.

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AMENDMENT OFFERED

Representative Laird offered the following amendment to the bill, H. 301, as amended:

Amend H. 301 as substituted on page 99, lines 9, 11 and 14 by deleting the number "34,030,319" and inserting in lieu thereof the number "24,030,319".

Further amend on page 80, line 26 by deleting the number "25,000,000" and inserting in lieu thereof the number "15,000,000".

Further amend on page 81, line 5 by deleting the number "10,500,000" and inserting in lieu thereof the number "20,500,000".

AMENDMENT TABLED

On motion of Representative Fuller, the amendment offered by Representative Laird to the bill, H. 301, as amended, was tabled.

Yeas 65; Nays 24.

Yea:

Representatives Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Crigler, Curry, Dean, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Morrow, Morton, Murphree, Newton (D), Page, Parker (P), Parker (T), Perdue, Pringle, Rogers (J), Seibenhener, Smith, Spratt, Starkey, Thomas (J), Turnham, Vance, Venable and White.

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Nay:

Representatives Carns, Clouse, Collins, Dolbare, Haney, Hawkins, Hill, Hooper, Jorgensen, Laird, Layson, McKee, McMillan, Moore, Newton (C), Papucci, Payne, Petelos, Rogers (M), Sanderford, Sims, Townsend, Willis and Wren.

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AMENDMENT OFFERED

Representative Hooper offered the following amendment to the bill, H. 301, as amended:

Amend H. 301 as substituted on page 22, line 23 by deleting the number "21,604,038" and inserting in lieu thereof the number "21,723,663".

Further amend on page 23, line 9 by deleting the number "415,019" and inserting in lieu thereof the number "534,644".

Further amend on page 24, line 26 by deleting the numbers "565,019" and "67,213,576" and inserting in lieu thereof the numbers "684,644" and "67,333,201" respectively.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 84; Nays 0.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Box, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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AMENDMENT OFFERED

Representative Fuller offered the following amendment #2 to the bill, H. 301, as amended:

Amend H. 301 as substituted on page 7 by deleting lines 11 through 15 in their entirety and inserting the following in lieu thereof:

"This appropriation is to be conditioned upon the filling of the judgeships created by Acts 90-539, 91-640 and 93-882 and only that amount required to fund a judgeship for the remainder of the fiscal year shall be released upon the filling of that judgeship."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 89; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A),

Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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And the bill:

H. 301. To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1997.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 93; Nays 6.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Gaines, Hill, Knight (A), McKee, McMillan and Seibenhener.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Wren, the Budget Isolation Resolution relating to the bill, H. 139, was adopted.

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Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

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And the bill:

H. 139. (With Substitute): Creating the General Fund Proration Prevention Act of 1996 to prevent proration of funds appropriated by the Legislature; providing for methods of withdrawals, repayment, and accrual of interest; and reverting excess funds to the General Fund Proration Prevention Account.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Creating the General Fund Proration Prevention Act of 1996 to prevent proration of funds appropriated by the Legislature; providing for methods of withdrawals and repayment.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known as the General Fund Proration Prevention Act of 1996.

Section 2. There is created a distinct and separate fund established within the State Treasury, to be known as the General Fund Proration Prevention Account to which monies shall be deposited for the purpose of preventing

proration of funds which have been appropriated by the Legislature from the State General Fund. Monies which accrue in the General Fund Proration Prevention Account shall not be subject to appropriation except as provided in this act.

Section 3. The following monies are appropriated to the General Fund Proration Prevention Account:

(1) Five million dollars (\$5,000,000) appropriated in the Alabama General Fund Budget Appropriations Act for the fiscal year beginning on October 1, 1997.

(2) Five million dollars (\$5,000,000) shall thereafter be appropriated from the general fund budget to the account at the end of each succeeding fiscal year, except during years of actual proration until the account shall have attained an amount of at least forty-five million dollars (\$45,000,000).

Section 4. (a) Money in the General Fund Proration Prevention Account may be withdrawn only in the following manner:

(1) To prevent proration in the State General Fund, the Governor of the State of Alabama shall certify to the State Comptroller and notify the Legislature that proration would occur in the general fund before funds could be withdrawn upon the certification by the Governor. Notwithstanding the foregoing, withdrawals shall be limited to the amount of the anticipated proration and funds allotted only to the extent necessary to avoid proration of appropriations in the State General Fund, or funds may be suspended during those fiscal years in which the State General Fund is actually prorated, or

(2) By an act of the Legislature with a recorded vote of two-thirds of the membership of each legislative chamber.

(b) Monies withdrawn under subdivision (2) shall be repaid in full during the next succeeding fiscal year, or repaid through appropriation of five million dollars (\$5,000,000) per year, or as may be otherwise provided by the Legislature until the account is restored to a minimum of forty-five million dollars (\$45,000,000).

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 85; Nays 0.

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Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

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And the bill:

H. 139. Creating the General Fund Proration Prevention Act of 1996 to prevent proration of funds appropriated by the Legislature; providing for methods of withdrawals and repayment.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 139, as amended:

Representatives Baker, Bandy, Black (M), Clark (W), Graham, Hammett, Haney, Hinshaw, Holmes, Knight (J), Lindsey, McAdory, Newton (D), Spratt, and Vance.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representatives Morrison, Millican, Flowers, Dean, Crigler, and Ford:

H. 599. To provide that certain members of the state retirement systems shall have the option of receiving payment for a certain amount of unused sick leave at retirement or converting a certain amount of unused sick leave into membership service for retirement purposes.

COMMITTEE ON WAYS AND MEANS

By Representative Collins (With Notice and Proof):

H. 600. To authorize the Lamar County Commission to contract for the administration and enforcement by a designee of any tax or license levied in the county.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 600, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Dolbare and Jackson (With Notice and Proof):

H. 601. Relating to Choctaw County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as the county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing that the substantive provisions of the act shall become effective on approval of the electors.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 601, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Curry, Turnham, Robinson, Hayden, Layson, Hawkins, Allen, Hooper, McMillan, Gaston, Turner, Parker (T), Rogers (J), Gipson, Burke, Clouse, Kennedy, Spratt, Morrison, Black (L), Hilliard, Buskey, McAdory, McKee, Crigler, Dean, Reed, Papucci, Sanderford, Flowers, Sanderson, McDaniel, Willis, Melton, Collins, Box, Hogan, White, Dolbare, Guin, Warren, Thomas (D), Hall (A), Petelos, Thomas (J), Mitchell, Lindsey, Sims, Hill, Murphree, Morrow, Page, Millican, Johnson (E), Minnifield, Graham, Clark (W), Wren, Boyd, Black (M), Morton, Carothers, Johnson (R), Carns, Carter, Baker, Hinshaw, Knight (A), Jorgensen, Newton (D), Jackson, Galliher, Hawk, Venable, Knight (J), Perdue, Houston, Maull, Laird, Holmes, Ford, Drake, Hammett, Seibenhener, McClammy, Moore, Vance, Bandy, Fuller, Townsend, Hamilton, Starkey, Rogers (M), Gaines, Smith, Clark (J), Pringle, and Hall (L):

H. 602. To provide for a cost-of-living increase to certain retirees and beneficiaries of the Employees' Retirement System.

COMMITTEE ON WAYS AND MEANS

By Representatives Dukes, McDaniel, Jorgensen, Hinshaw, and Allen:

H. 603. To amend Section 40-18-35(a)(14), Code of Alabama 1975, to provide for a dividends received deduction and rules relating to taxing foreign source income; to provide further conformity with federal income tax law; and to provide an effective date.

COMMITTEE ON BUSINESS AND LABOR

By Representative Hooper:

H. 604. To provide for the crimes of cruelty to animals and of intentional extreme cruelty to animals; to provide punishment for the offenses as a misdemeanor and as a felony, respectively; to make certain exceptions in the interest of medical science; to provide for notice, due process, and civil procedures for cases of cruelty to animals; to provide for search warrants and for the powers and duties of law enforcement officers, district court judges, trained agents and agencies designated by the county, the county rabies officer, and other persons in implementing this act; to provide standards for humane disposition of the animal; to provide for the distribution of any proceeds generated under this act; to provide that local governments may provide for more stringent penalties, and procedures for the operation of animal control or humane shelters; and to provide that this act shall not apply to certain persons engaged in hunting, trapping, fishing, rodeo activities, transportation of livestock, or protecting their livestock.

COMMITTEE ON JUDICIARY

By Representative Hooper:

H. 605. Providing distinctive motor vehicle license tags or plates for members of the Alabama State Defense Force; providing for the fees for these tags or plates and for the disposition of the fees; and providing for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives Gaines and Black (M):

H. 606. To amend Section 13A-12-213 of the Code of Alabama 1975, to provide that the crime of unlawful possession of marihuana in the first degree include the possession of marihuana for personal use if the defendant has a prior conviction of any controlled substance crime.

COMMITTEE ON JUDICIARY

By Representative Gaines:

H. 607. To authorize the state to pay the tuition of any needy, qualified student pursuing a baccalaureate degree at any Alabama state college or university; to provide definitions; to provide for the administration of the tuition assistance plan by the Alabama Commission on Higher Education; and to provide for funding the plan.

COMMITTEE ON WAYS AND MEANS

By Representative Turner:

H. 608. To authorize the utilization of an audio-video communication system at any criminal pre-trial proceeding to enable a judge or magistrate to see and converse simultaneously with the defendant, his or her counsel, or another person; to provide that the physical presence of a defendant in open court is not required upon the use of the audio-video communication; to allow for facsimile transmissions during the audio-video communication; to authorize the use of audio-video communication for verification of Uniform Traffic Tickets and Complaints and Uniform Non-Traffic Citations and Complaints; and to allow the public to view the audio-video communication.

COMMITTEE ON JUDICIARY

By Representatives Rogers (M), Willis, and Boyd:

H. 609. To propose an amendment to the Constitution of Alabama of 1901, relating to Calhoun County; providing for fire protection in the county; levying a special property tax for fire protection; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments; providing

for expenditure and accounting of the funds; providing for the tax to end upon dissolution of the Calhoun County Volunteer Firefighters' Association; granting immunity from certain liability to the county; and providing for a referendum on this amendment.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Papucci:

H. 610. To amend Section 17-4-252 of the Code of Alabama 1975, to provide further for furnishing certain voter lists to members of the Legislature.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Clouse:

H. 611. To amend Section 30-3-60, Code of Alabama 1975, relating to income withholding orders for support, to provide further for the definition of income to include other periodic income.

COMMITTEE ON JUDICIARY

By Representative Perdue:

H. 612. To make an appropriation from the State General Fund for the relief of Freddie Lee Gaines of Jefferson County wrongfully convicted of murder and incarcerated for thirteen years.

WHEREAS, in 1972, Freddie Lee Gaines was arrested and held without bond for first degree murder; and

WHEREAS, on October 23, 1974, Mr. Gaines was convicted of first degree murder and sentenced to 30 years; and

WHEREAS, Mr. Gaines was released from prison on July 6, 1985; and

WHEREAS, on August 17, 1990, in Jacksonville, Florida, while in police custody, Larry Cohen confessed to both of the murders to which Mr. Gaines was charged; and

WHEREAS, on February 12, 1991, the District Attorney in Jefferson County moved and the trial court granted Petition for Relief from conviction; and

WHEREAS, the pain and suffering wrongfully endured by Mr. Gaines and his family are regrettable, and the state is morally obligated to make compensation, but Mr. Gaines has no recourse at law to recover same; now therefore,

COMMITTEE ON WAYS AND MEANS

By Representative Pringle:

H. 613. To amend Act No. 90-529, H. 304, of the 1990 Regular Session, to create additional unclassified merit system positions for the Southern Environmental Enforcement Network.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Pringle, Dean, Gaston, Crigler, Clark (W), Buskey, Turner, Box, Mitchell, and Kennedy (With Notice and Proof):

H. 614. To amend Section 43-2-42 of the Code of Alabama 1975, relating to appointment of the administrator of the estate of a person dying intestate; to provide further for the order of appointment of the general administrator in counties having an elected general administrator.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 614, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Mitchell, Maull, Perdue, Seibenhener, Wren, McKee, Hogan, Jackson, Layson, McMillan, Bandy, Hayden, Dolbare, Black (L), Page, Graham, Guin, Knight (A), Carns, Gaines, Allen, Papucci, Curry, Minnifield, Thomas (D), Murphree, Hall (A), Payne, Smith, Sanderson, Black (M), Pringle, Dean, Johnson (E), Houston, Townsend, Hilliard, Haney, Rogers (M), Gipson, Melton, Jorgensen, Reed, Hamilton, Collins, Moore, Clouse, Sims, Vance, Crigler, McAdory, Hall (L), McClammy, Parker (T), Gaston, Hinshaw, Sanderford, Laird, Baker, Boyd, Spratt, Robinson, Galliher, Hooper, Morrow, Clark (W), Buskey, Newton (D), Rogers (J), Knight (J), and Dukes:

H. 615. To amend Section 64 of the Constitution of Alabama of 1901, to prohibit either house of the Legislature from voting to adopt a conference committee report on the General Fund Budget or the Education Trust Fund Budget within 72 hours of the receipt of the conference committee report by that house.

COMMITTEE ON STATE ADMINISTRATION

The above bill was read a first time at length as required by the Constitution.

By Representatives Gaines, Knight (A), Thomas (D), McKee, Hamilton, Rogers (M), Curry, Laird, McDaniel, Sanderford, Clouse, and Allen:

H. 616. To establish the Fair Employment Act of Alabama; and to provide for nondiscrimination in public employment, contracts, and programs.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Gaines, McKee, Hinshaw, Sanderson, Laird, Sanderford, McDaniel, Clouse, Allen, Curry, and Seibenhener:

H. 617. To establish the Constitutional Defense Council; to establish a revolving fund; and to make an appropriation.

COMMITTEE ON WAYS AND MEANS

By Representative Knight (J):

H. 618. Relating to alcoholic beverages; to authorize elections to determine whether alcoholic beverages may be sold or dispensed on Sunday within any wet county or wet municipality in this state.

COMMITTEE ON TOURISM, ENTERTAINMENT
AND SPORTS

By Representatives Hooper, Sims, Dean, Gaston, Jorgensen, Crigler, Flowers, Haney, McKee, Seibenhener, Clouse, Pringle, Penry, McMillan, Wren, Sanderson, Hawkins, Carns, Rogers (M), Morton, Gaines, Thomas (D), Curry, Sanderford, Dukes, Papucci, Allen, Hill, Townsend, Laird, Layson, Collins, Hamilton, Warren, Willis, Hogan, Newton (C), Murphree, Guin, Lindsey, Black (M), Moore, Gipson, and Johnson (E):

H. 619. Proposing an amendment to Section 126 of the Constitution of Alabama of 1901, to expand the Governor's item veto power to allow item veto of any appropriation bill embracing distinct items after final adjournment of the Legislature and to further define the Governor's item veto power.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representatives Newton (C) and Dolbare:

H. 620. To amend Section 16-28-40, Code of Alabama 1975, to further condition the issuance of a driver's license to a person under the age of 19 who is enrolled in a school on the person making satisfactory academic progress and complying with the code of conduct of the school as certified by the principal of the school.

COMMITTEE ON EDUCATION

By Representative Dolbare:

H. 621. Providing for distinctive motor vehicle license tags or plates to honor Alabama's Indian heritage; providing for fees for the distinctive license tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Thomas (D):

H. 622. To amend Section 13A-6-61, Code of Alabama 1975, to provide that upon a second conviction of rape in the first degree, the defendant may be sentenced to death.

COMMITTEE ON JUDICIARY

By Representatives Johnson (E), Johnson (R), Clouse, Moore, Seibenhener, Baker, Knight (J), McClammy, Hogan, Wren, Vance, Jackson, Hayden, Black (L), Dolbare, Laird, Hamilton, Millican, Box, Carothers, Thomas (J), Boyd, Bandy, Mitchell, McMillan, Penry, Gaston, Dean, Buskey, Clark (W), White, Newton (C), Turnham, Newton (D), Lindsey, Flowers, Carter, Burke, Houston, McAdory, Rogers (J), Townsend, Payne, Hawkins, Perdue, Papucci, Allen, Minnifield, McDaniel, Dukes, Galliher, Graham, Hall (L), Gipson, Knight (A), Murphree, Thomas (D), and Rogers (M):

H. 623. To exempt the Iron and Steel Society, Incorporated, from the payment of all state, county, and municipal sales and use taxes which would be levied on any expenses of the society which are related to the annual conference of the society to be held in Birmingham, Alabama, March 17, 18, and 19, 1996.

COMMITTEE ON WAYS AND MEANS

By Representatives Hall (L), Galliher, Graham, Dukes, Hall (A), Morrow, Page, Newton (D), Black (L), Box, Boyd, Kennedy, Buskey, Maull, Fuller, McAdory, Rogers (J), Houston, Hinshaw, Hooper, Black (M), Perdue, Jackson, Hilliard, Hawk, Morrison, Gipson, Rogers (M), Hill, Knight (A), and Turnham:

H. 624. To provide for the coverage of postpartum care under certain conditions by a health maintenance organization, nonprofit hospital service plan or service contract, managed health care provider, disability or health care contract, plan, or policy, issued, renewed, or delivered in this state.

COMMITTEE ON INSURANCE

By Representatives Hall (L), Galliher, Graham, Dukes, Hall (A), Morrow, Page, Newton (D), Black (L), Box, Boyd, Kennedy, Buskey, Maull, Fuller, Rogers (J), Houston, McAdory, Hinshaw, Hooper, Black (M), Perdue, Jackson, Hilliard, Hawk, Murphree, Morrison, Gipson, Hill, Rogers (M), Knight (A), and Turnham:

H. 625. Relating to health benefit plans; to provide for the inclusion of obstetricians and gynecologists as primary care physicians; to provide that a health benefit plan may not require a referral from a primary care physician as a condition for the coverage of the services of an obstetrician or gynecologist; and to designate this act as the "Women's Access to Health Care Act."

COMMITTEE ON INSURANCE

REGULAR SESSION
8th Day

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By Representatives Parker (T) and Allen:

H. 626. To amend Sections 11-44B-6 to 11-44B-7, inclusive, Ala. Code (1975), to provide further for the procedures of operation of mayor-council form of government adopted by Class 4 municipalities pursuant to Section 11-44B-1, et seq., Ala. Code (1975).

COMMITTEE ON LOCAL LEGISLATION NO. 6

By Representatives Parker (T) and Allen (With Notice and Proof):

H. 627. To amend Section 11-44B-8, Code of Alabama 1975, as follows:

COMMITTEE ON LOCAL LEGISLATION NO. 6

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 627, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives McMillan, Penry, Jorgensen, Haney, Papucci, Hinshaw, Allen, Turner, Crigler, Dean, Gaston, Hall (A), Burke, Carothers, and Baker:

H. 628. Authorizing a county commission to adopt ordinances with penalties for the unincorporated areas of the county to regulate businesses with alcoholic beverage licenses which provide certain types of entertainment, attire, or conduct.

COMMITTEE ON STATE ADMINISTRATION

BILLS ON SECOND READING

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 274. (With Substitute): To prohibit institutions of higher education from providing college level courses to inmates of Alabama's penal system.

H. 555. (With Substitute): To make an appropriation of \$350,000 from the State General Fund to the Alabama Sentencing Institute for the fiscal year ending September 30, 1997, and to require an operations plan and an audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 269. Relating to cigarettes; to amend Sections 40-25-2 and 40-25-23, Code of Alabama 1975; to increase cigarette tax; and to provide that any new funds generated by the tax shall be distributed to the Children First Trust Fund.

H. 270. Relating to the Children First Program; to establish the Children First Trust Fund within the State Treasury; to provide for the management and administration of the fund by the Alabama Juvenile Justice Coordinating Council; to make an allocation to the Department of Youth Services, the State Board of Education, the Department of Human Resources, the Department of Mental Health and Mental Retardation, the Administrative Office of Courts, the State Multiple Needs Children's Fund, the Children's Trust Fund, and the Department of Public Health for prevention, treatment, education, rehabilitation, and punishment programs for children.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 271. (With Amendment): To amend Sections 12-15-7, 44-1-2, 44-1-24, and 44-1-27 and to repeal Section 44-1-26, Code of Alabama 1975; further providing for the duties of juvenile probation officers; providing for the allocation of juvenile probation officer positions and staff positions by the Administrative Director of Courts; providing for the appointment and dismissal of juvenile probation officers and chief juvenile probation officers; providing for the development of minimum standards and certification of juvenile probation officers and continuing education; establishing the Juvenile Probation Services Fund in the State Treasury; providing the schedule to transition juvenile probation officers from county employees to state employees; phasing out county funding of salaries and benefits for juvenile probation officers and staff providing juvenile probation services, excluding staff of juvenile detention services; providing for the classification and pay of juvenile probation officers and staff under the state court system personnel system and the protection of current employee status and benefits of juvenile probation officers and staff during and following transition to state employee status; providing for state assumption of certain operating expenses and specified property; providing for an appropriation of \$425,000 from the State General Fund to the Unified Judicial System for the fiscal year ending September 30, 1997; and providing for an effective date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 272. Relating to child mortality; concerning efforts to identify deaths which may be from child abuse or neglect or other causes; relating to obtaining and maintaining statistics on child mortality within the state; providing services to surviving family members; developing and implementing measures to aid in reducing the risk and incidence of future child injury and death; establishing the State Child Death Review Team and local teams; establishing policies and procedures as are necessary for the operation of the State Child Death Review Team and the local teams.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 552. (With Substitute): To amend Section 15-18-83 of the Code of Alabama 1975, to provide further that members of the victim's immediate family may be present at an execution.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 360. (With Amendment): To prohibit employers, employment agencies, labor unions, and associations from discriminating on the basis of age in hiring, job retention, compensation, and other terms and conditions of employment, and to provide for recovery of amounts owed for violations.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 8. (With Substitute): To amend Section 13A-6-61 of the Code of Alabama 1975, relating to rape in the first degree; to provide that a person who is convicted of the rape of a person who is less than 16 years of age, or who is confined to a nursing home, or who is confined to a mental institution would be sentenced to a minimum term of imprisonment of 25 years.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 368. To amend Section 22-52-1.2 of the Code of Alabama 1975, relating to mental health and mental retardation; to provide for the exclusion of the home address and the telephone number of the petitioner from the copy of the petition seeking involuntary commitment provided to the respondent with exceptions.

H. 258. To amend Section 14-9-42 of the Code of Alabama 1975; to allow deductions from sentences pursuant to Section 14-9-42 of the Code of Alabama 1975 for time served on parole; and to provide that this provision would apply to persons currently on parole for time served on parole.

H. 14. To amend Section 13A-6-20, Code of Alabama 1975, to provide that any assault committed by an inmate on a state employee would be classified as assault in the first degree.

H. 437. Providing for proportionate liability in certain causes of action against accountants or accounting firms for money damages.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 439. (With Substitute) (With Amendments): Providing that a plaintiff bringing a certain cause of action against an accountant or an accounting firm shall be in a certain privity of contract relationship with the accountant or firm of accountants named as defendants in the action.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 440. Providing for statutes of limitations on certain causes of action brought against accountants or accounting firms.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 465. (With Substitute): Relating to juvenile law enforcement; to amend Code of Alabama 1975: Section 12-15-100, to provide that juvenile court records may be copied by persons authorized to inspect them, by the principal of the school in which a child is enrolled, or a representative of the principal; Section 12-15-101, to provide that juvenile law enforcement records may be inspected by the principal of the school in which a child is enrolled, a representative of the principal, and the victim, or a representative of the victim, and to require the reporting of a child who has been adjudicated a serious juvenile offender or delinquent for conduct constituting a Class A or B felony if committed by an adult to the Alabama Criminal Justice Information Center; Section 12-15-102 to provide that law enforcement agencies, without prior permission, may obtain fingerprints, photographs, or DNA samples from a child alleged to be delinquent; Section

41-9-622, to provide that information concerning serious juvenile offenders may be used as information concerning adults is used; and Section 41-9-623, to provide that information concerning serious juvenile offenders must be provided to the Alabama Criminal Justice Information Center by law enforcement agencies.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 475. To amend Section 16-22-1 of the Code of Alabama 1975 granting certain persons employed by certain institutions and colleges police powers; to further provide for police powers for police officers employed by Samford University or Birmingham-Southern College.

H. 158. To amend Section 36-21-7, Code of Alabama 1975, relating to the reimbursement of mandated training costs when one governmental entity employs certain employees from another governmental entity within a certain period, and to provide similar requirements for the reimbursement of training expenses for certain governmental employees.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 107. (With Substitute): To provide for the suspension or revocation of professional, occupational, business, recreational, and drivers' licenses for the failure to pay child support, and to establish criteria for reissuing the licenses.

Representative Gaines, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 190. To amend Section 8-19-12, Code of Alabama 1975, the Deceptive Trade Practices Act, to provide for enhanced criminal penalties upon subsequent violations of the act.

H. 449. To amend Section 25-4-145, Code of Alabama 1975, to provide further for the collection of delinquent overpayment of unemployment compensation; to make a person guilty of fraud for a violation; to amend Section 40-18-100, Code of Alabama 1975, as amended by Act 95-750, 1995 Regular Session, to include the Department of Industrial Relations as a claimant agency for the purpose of seeking relief through setoff debt collection; and to provide for retroactive effect.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 563. (With Amendments): To amend Sections 22-8A-2, 22-8A-3, 22-8A-4, 22-8A-5, 22-8A-6, 22-8A-7, 22-8A-8, 22-8A-9, and 22-8A-10, Code of Alabama 1975, to: authorize competent adults to make written directions concerning the providing, withholding, or withdrawing of life-sustaining treatment and artificially provided nutrition and hydration in instances of terminal conditions and permanent unconsciousness, permit the designation of proxy decision-makers, and provide for the appointment of surrogate decision-makers in instances where the patient has not made such a designation.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 565. To provide for the regulation and licensure of marriage and family therapists; to establish the Alabama Board of Examiners in Marriage and Family Therapy; to prescribe fines and penalties for violations of this act; to create a privilege covering communication between a client and a therapist; and to provide for the appropriation of funds to the board.

Representative Hill, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 452. To amend Section 5-19-4 of the Code of Alabama 1975, to provide further for late charges on certain scheduled payments which are in default.

H. 460. To amend Sections 8-8-15, 12-17-224, 13A-9-13.1, and 13A-9-13.2, Code of Alabama 1975, relating to the service charge for worthless checks and worthless negotiable instruments.

H. 466. To amend Section 5-18-15 of the Code of Alabama 1975, to provide for default or extension charges which may be charged and collected in connection with small loans pursuant to the Alabama Small Loan Act.

H. 528. Providing for certain debit cards or credit cards for students enrolled in public institutions of higher education which may be used to purchase certain merchandise and services.

H. 577. To amend Chapter 19 of Title 5 of the Code of Alabama 1975, as amended, commonly known as the "Mini-Code," relating to consumer credit transactions, to provide for legislative findings; to amend and to provide further for

definitions; to amend, clarify, and conform various provisions of Chapter 19, Title 5 to the amended definitions; to amend and provide further for finance charges and to amend and clarify finance charges applicable to consumer credit transactions which provide for simple finance charge computations; to clarify the applicability of Sections 5-19-1(1) and 5-19-3 to nonconsumer credit transactions; to amend and provide further for fees and charges which must be refunded or credited upon refinancing or renewal of a debt; to provide that the copy of the instruments furnished to the debtor need not be copies which are signed by the debtor; to amend the disclosures required to be given under this chapter by a creditor by deleting the requirement for disclosures of real estate mortgage broker fees and points for a consumer credit transaction subject to Section 5-19-4(g) and to further clarify disclosure requirements; to clarify and to provide further for attorney fees which may be charged by a creditor on a consumer credit transaction prior to and after default by the debtor; to provide that the notice required by federal law related to home solicitation sales satisfies the notice requirements under Section 5-19-12, to shorten to 20 days the time within which a creditor must take possession of the goods where the buyer has elected to cancel the sale, and to provide that a buyer may cancel a home solicitation sale at any time within one year after the date of sale if the seller has failed to comply with the notice requirement; to provide that unconscionability is determined at the time a consumer credit contract is made, that unconscionability is available only as a defense to the enforcement of a consumer credit contract, and that a creditor is entitled at least to the fair value of performance for a contract later declared void in whole or in part due to unconscionability; to amend and provide further for the prohibition against a creditor inducing a person to become obligated on more than one contract in order to obtain a higher finance charge including providing that a creditor is not obligated to maintain two or more contracts and that a creditor has no liability for requiring the consolidation of accounts or contracts; to amend and provide further for the remedies of a debtor and liabilities of a creditor for excess finance charges or other violations of Chapter 19, Title 5; to provide that a creditor who fails to obtain the required license may maintain an action without affecting the enforceability of the consumer credit transaction if the creditor obtains a license and pays the administrator a civil penalty equal to three times the amount of the investigation fee and the annual license fee for each year or portion thereof the creditor is in violation of the licensing requirement but not to exceed a civil penalty in the amount of one hundred thousand dollars (\$100,000); to amend and provide further for the time period during which a debtor may bring a cause of action for a violation of Chapter 19, Title 5; to provide that a creditor or assignee of a consumer credit contract has no liability for failing to comply with any requirement of Chapter 19, Title 5, if, after discovering the failure and before receiving written notice from the debtor, the creditor corrects the failure prior to the debtor bringing a cause of action against the creditor or giving the creditor written notice of the failure; to provide the circumstances which must be proven by clear and convincing evidence as a condition to the admissibility of an oral statement which contradicts the provisions of a credit transaction document and to provide that a debtor cannot claim reasonable reliance upon an oral statement which contradicts the provisions of a credit transaction document which is disclosed in accordance with federal or state statute or regulation; to provide that a creditor is not liable for

incidental, consequential, or punitive damages because of a violation of Chapter 19, Title 5; to provide that the remedies provided in Chapter 19, Title 5, for violations of Chapter 19, Title 5 are limited to those provided in Chapter 19, Title 5; to provide that a consumer credit transaction does not create a confidential relationship between the debtor and creditor or a fiduciary duty on the part of the creditor; to amend and provide further for the insurance which may be required or offered in connection with a consumer credit transaction and for the maximum premiums and charges for insurance including credit life, disability, involuntary unemployment insurance, collateral protection insurance, property insurance, and nonfiling insurance; to amend and clarify that a creditor has no duty in the absence of a written agreement to obtain insurance; to provide that a creditor may offer and finance other insurance which is approved by the administrator; to amend and provide further for the administrator's authority to make rules and regulations and the administrator's and administrator's designee's authority to issue written interpretations of the provisions of Chapter 19, Title 5, to provide for the consequence of a creditor for any act or practice done or omitted in conformity with any regulation or interpretation of the administrator, administrator's designee, or other state or federal agency, or opinion of the Attorney General; to provide further for the licensing of creditors engaged in the business of making consumer loans or taking assignments of consumer credit contracts, including that a creditor having a place of business in Alabama or a resident employee whose employment includes making consumer loans or taking assignments of consumer credit contracts must obtain a license, specifying the business locations of a creditor which must be licensed, and providing that a seller with respect to a consumer credit sale contract and the financing of permitted charges is not required to be licensed under Chapter 19, Title 5, to increase the annual license fee; to provide for the confidentiality of reports of examinations, and investigations and working papers related thereto of the State Banking Department; to provide the method by which a creditor's books and records may be maintained and reproduced; to amend and clarify the nonapplicability of specified provisions of Chapter 19, Title 5, to certain real estate transactions by a creditor which is an approved mortgagee under the provisions of the National Housing Act; to provide the administrator the power to assess civil monetary penalties against a creditor for violating Title 5, Chapter 19; to provide that a creditor and any other person may sell and finance a service contract and that service contracts do not constitute insurance for any purpose; to provide for the effect of certain provisions of this act including the retroactive application of the amendments to Sections 5-19-17, except subsection (d), 5-19-19, 5-19-20, except subsections (b)(2), (c), and (d)(2), 5-19-22, except subsection (h), and 5-19-31; to provide that the provisions of Section 5-19-11(b) relating to remedies of debtors and obligations of creditors and Section 5-19-11(c) relating to the powers of the Administrator are transferred to, and restated and amended in, Section 5-19-19(c) and Section 5-19-19(i), respectively, and that the remainder of Section 5-19-11 is repealed; to provide for severability of the provisions of this act; and to provide for an effective date.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 542. Relating to public institutions of higher education and the Alabama Commission on Higher Education; to amend Section 16-5-4 of the Code of Alabama 1975; to designate the chief executive officer of the commission as the executive director and remove the requirement that the executive director be confirmed by the Senate every four years.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 551. (With Amendment): Relating to public institutions of higher education and the Alabama Commission on Higher Education; amending Section 16-5-8 of the Code of Alabama 1975, to authorize the commission to approve mergers and consolidations; to prohibit public institutions from merging with or acquiring a nonpublic institution or a unit thereof; to prohibit the state from acquiring a nonpublic institution or its assets; and to prohibit a two-year associate degree granting institution from becoming a four-year degree granting institution.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 521. To establish the "Alabama Child Nutrition Law"; to require local boards of education to establish school breakfast and lunch programs beginning with the 1996-97 school year; to authorize the State Board of Education to promulgate rules for the compliance of this act; and to provide for enforcement by the State Superintendent of Education.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 192. (With Amendment): To provide for elective course credit for certain public high school students who participate in YMCA Youth and Government programs.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 569. To amend Section 32-5-211, Code of Alabama 1975, relating to attaching a flag or light at the end of loads carried on vehicles, to authorize that an orange flag or an amber strobe light be attached to the end of a load which extends more than four feet beyond the rear of a vehicle.

H. 564. To amend Sections 2-5-1, 2-5-2, 2-5-14, and 2-5-16, Code of Alabama 1975, to provide further for the procedural authority of the Farmers' Market Authority relative to the lease, disposal, and sale of real property of the department; provide further for the members of the authority; and provide further for the duties and funds of the authority.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 545. To amend Sections 36-29A-2 and 36-29A-7 of the Code of Alabama 1975, to provide that the State Employees' Insurance Board shall pay medical costs for Department of Transportation employees injured on the job; to exempt the Alabama Department of Transportation from a certain program under the Division of Risk Management of the Department of Finance; and to provide that the Department of Transportation shall cover its employees for on-the-job death or injury under a certain self-insurance program of the department.

H. 547. Relating to motor vehicles; to amend Sections 40-12-290, 40-12-291, 40-12-293, and 40-12-296 of the Code of Alabama 1975; to provide for the issuance of a "vintage vehicle" license plate only for those vehicles operated as a collector's item; to define a vintage vehicle; to prescribe penalties for violating this act; to specify further the design of the plate; and to repeal Section 40-12-295.

H. 548. To amend Sections 23-6-2 and 23-6-8 of the Code of Alabama 1975, to provide for the Alabama Industrial Access Road and Bridge Corporation to use an annual appropriation from the State Public Road and Bridge Fund to assure the availability of funds for the cost of constructing certain industrial access roads and bridges; to provide that no further bonds of the corporation shall be issued after the series 1995 bonds dated August 1, 1995; to provide an annual appropriation of \$11,000,000 from the State Public Road and Bridge Fund of the State Department of Transportation to be used for industrial access roads and bridges projects; and to provide for the effective date of this act.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 232. To amend Section 11-50-1.1, Code of Alabama 1975, which prohibits municipalities from acquiring or duplicating services of certain waterworks systems, so as to also prohibit public corporations or entities created or operating pursuant to Sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and Chapter 50 of Title 11, Code of Alabama 1975, generally, from so acquiring or duplicating those services; and to prohibit any waterworks system or any part thereof, operated by a corporation or association which has been

organized under Sections 10-4-190 through 10-4-194, Sections 11-88-1 through 11-88-21, Sections 11-88-40 through 11-88-111, or Sections 11-89-1 through 11-89-19, Code of Alabama 1975, from acquiring or duplicating any services of any waterworks system or any part thereof, operated by a municipality or public corporation or entity created or functioning pursuant to Sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and Chapter 50, Title 11, Code of Alabama 1975, generally, with certain exceptions.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 194. (With Amendment): To amend Section 36-21-4.1, Code of Alabama 1975, to provide that nonelected county law enforcement officers be compensated for overtime pursuant to the Federal Fair Labor Standards Act; and to provide that the officers may receive compensatory leave for overtime hours worked.

H. 533. (With Amendment): To authorize the mayor of any Class 1, 2, or 3 municipality, subject to budget restraints approved by the governing body, to make cash or non-cash awards in an amount not to exceed \$1,000 to employees of the municipality and to provide a method for selecting employees for exemplary performance or for innovations that significantly reduce costs or result in outstanding improvements in services to the public.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 392. To amend Section 23-1-80 of the Code of Alabama 1975; to authorize the establishment of standards for the design, construction, and maintenance of county roads; and to provide for adoption by the county commission.

H. 206. To authorize the incorporation in any municipality in the State of Alabama of an Urban Redevelopment Authority; to authorize an Urban Redevelopment Authority to designate and define the areas of the redevelopment districts; to provide for the election and compensation of directors of any authority; to provide for the powers and duties of the authority, its board of directors, and its officers; to authorize the authority to acquire all real and personal properties, provided that the property shall be located wholly within the urban redevelopment districts as defined; to authorize any authority to lease properties to others and grant options to any lessee; to provide for the issuance by any authority of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of its properties; to provide that in certain circumstances the securities shall constitute negotiable instruments;

to provide that the securities may be secured by a pledge of the revenues and receipts from which they are payable; to authorize the authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate, or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state, or local government or allow them to use facilities or services of the authority; to make loans to persons or entities for the costs of a project on the security; to provide for the employment by any authority of any personnel as its business may require; to require the authority to be insured; to require payments in lieu of taxes to be for the authority's purposes; to provide for the investment of funds of any authority; to provide for the use of the proceeds of any securities issued by any authority; to provide for the refunding, by the issuance of securities of any authority, of securities theretofore issued by it; to provide that the securities issued and contracts entered into by the authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality, or political subdivision of the state; to make the securities issued by the authority eligible investments for various governmental bodies and fiduciaries; to provide that any authority may publish a notice of the adoption of a resolution authorizing the issuance of bonds by the authority, and to provide that any action or proceeding questioning the validity of the bonds, or any pledge, mortgage, and deed of trust or trust indenture securing the bonds, or the proceedings authorizing the bonds, would be commenced within 30 days after the first publication of the notice; to exempt the income of any authority, and all conveyances, leases, mortgages, and deeds of trust to which any authority is a party, from all taxation in the state except for the state ad valorem taxes; to exempt every authority from all license and excise taxes in which an authority may engage and to exempt the authority from payment of certain charges to judges of probate; to exempt every authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt every authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any authority; to provide for the dissolution of any authority and the disposition of its property; to limit to one the number of authorities which may exist in any municipality at any one time; to give the authority the power of eminent domain; to authorize political subdivisions, agencies, instrumentalities, and public corporations of the state to aid the authority without any public election; to require the treasurer to obtain a fidelity bond; to require compliance with the competitive bid law with respect to any projects receiving public funds; to require a public hearing prior to the expenditure of any public funds; to provide for the reincorporation of, and to validate the acts of, certain authorities previously established; to authorize a system of tax increment financing of certain infrastructure improvements from certain revenue exceed produced by the redevelopment for a period not to increase 20 years under agreement with the municipality; to provide that the provisions of this act are cumulative and severable; and to provide for an effective date.

Representative Spratt, Chairperson of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 86. To amend Section 40-12-260 of the Code of Alabama 1975; to provide that effective January 1, 1998, license plates, except those issued for antique vehicles, would stay with the owner and not the vehicle; to increase the penalty to \$10 for failure to register a vehicle within 10 days of acquisition, which revenue shall be used for local jurisdiction motor vehicle administration training; to require that proof of ownership be retained in a vehicle subject to registration in this state on or after January 1, 1998, and being operated on the public roads and highways of this state; to provide penalties for violations; and to repeal Section 40-12-266 of the Code of Alabama 1975.

H. 388. To provide that on roads, streets, or highways with two or more lanes allowing for movement in the same direction, it is unlawful for any truck tractor with or without a trailer to operate in any lane other than the most right-hand lane, except when the truck tractor is preparing for a left turn or passing a vehicle; and to prescribe criminal penalties.

H. 534. To amend Section 32-6-10 of the Code of Alabama 1975, to authorize the Department of Public Safety to enter into reciprocal agreements with other countries regarding rights or privileges in the use of drivers' licenses.

H. 595. Relating to certain funds for public safety purposes; to amend Sections 13A-12-294, 32-2-80, 32-2-81, 32-6-5, and 33-5-55 of the Code of Alabama 1975, to clarify ambiguities concerning certain funds for public safety purposes.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 566. Relating to Talladega County; providing for the assessment of additional costs and charges in all circuit and district court cases, excluding small claims division cases; and providing for the establishment of a Judicial Administration Fund in the county and the distribution of moneys in the fund.

H. 567. Relating to the Talladega County; to provide that the District Attorney may terminate, suspend, or demote employees in his or her office under certain conditions; to provide that the employees shall be entitled to written notice of the grounds for the termination, suspension, or demotion and a hearing; and to provide for appeal.

H. 579. Relating to Etowah County; to amend Section 4 of Act No. 95-208, 1995 Regular Session, creating the Etowah County Community Development Committee, to remove limitations on the expenditure of sales tax proceeds received by the committee.

H. 580. Relating to Etowah County; to amend Sections 2 and 4 of Act No. 95-322, 1995 Regular Session, creating the Etowah County Library Committee; to

provide that the committee may spend funds it receives from the local sales tax for professional services and capital expenditures.

H. 590. To prohibit the Alabama Alcoholic Beverage Control Board from issuing any form of license in any municipality within Calhoun County for the retail sale of any intoxicating beverage, including, but not limited to, beer and other forms of malt beverages, wine or liquor of any kind or variety without the approval of the governing body of the county or municipality in which the retail sales are sought to be licensed, unless the denial of approval is set aside by the Circuit Court of the county in which the license site is situated as having been arbitrarily or capriciously denied by the governing body; and to provide for court jurisdiction and procedures to review a denial of municipal approval.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Parker (T):

H.R. 227. COMMENDING WILLIAM FLOYD CLIPSON FOR HIS OUTSTANDING CIVIC AND PROFESSIONAL SERVICES.

Also:

By Representative Parker (T):

H.R. 228. COMMENDING JULIA VIRGINIA FOWLER AS RECIPIENT OF THE DAUGHTERS OF THE AMERICAN REVOLUTION GOOD CITIZENS SCHOLARSHIP.

Also:

By Representative Hammett:

H.R. 229. HONORING MRS. NOBIE DIAMOND ON THE OCCASION OF HER 88TH BIRTHDAY.

Also:

By Representative Layson:

H.R. 230. COMMENDING DEAN LEWIS, ALICEVILLE CHAMBER OF COMMERCE CITIZEN OF THE YEAR.

Also:

By Representative Petelos:

H.R. 231. COMMEMORATING THE LIFE OF FATHER EMANUEL ZACHARY VASILAKIS, BIRMINGHAM, ALABAMA.

Also:

By Representative Petelos:

H.R. 232. COMMENDING MCDONALD'S CORPORATION FOR ITS GENEROUS SUPPORT OF PUBLIC EDUCATION IN ALABAMA.

Also:

The following resolutions were introduced:

By Representative Reed:

H.J.R. 233. DESIGNATING THE BRIDGE OVER PIN HOOK CREEK, IN BULLOCK COUNTY, ON HIGHWAY 82, "THE THOMAS GUTHRIE BRIDGE".

The resolution, H.J.R. 233, was read and referred to the Standing Committee on Rules.

Also:

By Representative Millican:

H.J.R. 234. COMMENDING OSCAR VICKERY FOR HIS PROFESSIONAL ACHIEVEMENTS.

The resolution, H.J.R. 234, was read and referred to the Standing Committee on Rules.

Also:

By Representative Newton (C):

H.J.R. 235. COMMENDING THE FORT DALE-SOUTH BUTLER ACADEMY LADY EAGLES ON THEIR STATE BASKETBALL CHAMPIONSHIP.

The resolution, H.J.R. 235, was read and referred to the Standing Committee on Rules.

Also:

By Representative Rogers (J):

H.J.R. 236. COMMENDING THE REVEREND PHILLIP V. RUSHING FOR DEDICATED CHRISTIAN SERVICE.

The resolution, H.J.R. 236, was read and referred to the Standing Committee on Rules.

Also:

By Representative Morton:

H.J.R. 237. MOURNING THE DEATH OF BRYAN HARRIS OF BIRMINGHAM, ALABAMA.

The resolution, H.J.R. 237, was read and referred to the Standing Committee on Rules.

Also:

By Representative Parker (T):

H.J.R. 238. COMMENDING WILLIAM FLOYD CLIPSON FOR HIS OUTSTANDING CIVIC AND PROFESSIONAL SERVICES.

The resolution, H.J.R. 238, was read and referred to the Standing Committee on Rules.

Also:

By Representative Page:

H.J.R. 239. COMMENDING DANIEL GEARY FOR HIS HEROIC ACTIONS.

The resolution, H.J.R. 239, was read and referred to the Standing Committee on Rules.

Also:

By Representative Black (M):

H.J.R. 240. CONGRATULATING COLBY AND KATIE BYNON ON THE BIRTH OF A SON, HUNTER COLBY BYNON.

The resolution, H.J.R. 240, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Dixon:

S.J.R. 44. CONGRATULATING JOHN AND MICHELLE CREWS ON THE BIRTH OF THEIR SON, CHANDLER MATHEW CREWS.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 44, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Windom, Figures, and Myers:

S.J.R. 47. RECOGNIZING THE 21ST ANNUAL MEETING OF THE NATIONAL SICKLE CELL PROGRAMS TO BE HELD IN MOBILE, ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 47, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Windom, Figures, and Myers:

S.J.R. 49. COMMENDING LOIS ROCKHOLD, TILLMAN'S CORNER 1995 CITIZEN OF THE YEAR.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 49, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Windom, Figures, and Myers:

S.J.R. 50. COMMENDING JACK E. RAVAN FOR HIS OUTSTANDING CONTRIBUTIONS TO THE STATE OF ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 50, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Armistead:

S.J.R. 52. EXPRESSING SUPPORT FOR PRESERVATION OF BEEHIVE COKE OVENS IN WEST BLOCTON.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 52, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Armistead:

S.J.R. 53. COMMENDING RICK WASH ON HIS SELECTION TO PARTICIPATE IN THE 1996 SUMMER OLYMPIC GAMES.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 53, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Armistead:

S.J.R. 54. COMMENDING JUDGE SANDRA ROSS STORM.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 54, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:55 P.M. on March 6, 1996.

H.J.R. 203

H.J.R. 211

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Thomas (J), the House adjourned until 10:00 o'clock a.m., Thursday, March 7, 1996.

**REGULAR SESSION
9th Day**

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NINTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, March 7, 1996**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Pete Nichols with Christian Radio Station in Marion and Walker Counties.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Elizabeth Darrigan, 6th Grade, Admiral Moorer School, Eufaula, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eighth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the eighth legislative day was dispensed with.

LEAVE OF ABSENCE

At the request of Representative McMillan, leave of absence was granted for Representative Penry.

MOTION TO RECESS LOST

The motion offered by Representative Newton (D) that the House recess for lunch from 11:45 o'clock a.m. until 1:00 o'clock p.m. was lost.

Yeas 10; Nays 39.

Yea:

Representatives Black (M), Clouse, Curry, Gaines, Hall (A), Murphree, Newton (D), Petelos, Robinson and Rogers (J).

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Nay:

Representatives Buskey, Carns, Carter, Clark (W), Collins, Crigler, Dean, Drake, Dukes, Gaston, Gipson, Guin, Hamilton, Haney, Hawkins, Hinshaw, Jorgensen, Layson, McKee, Mitchell, Morrison, Morton, Newton (C), Papucci, Parker (P), Parker (T), Pringle, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (J), Townsend, Turner, Vance, Venable and Warren.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO ADJOURN ADOPTED

Representative Newton (D) offered the motion that when the House adjourns today, it adjourns to meet again at 5:00 o'clock p.m. on Tuesday, March 12, 1996, and the motion was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 178. EXPRESSING APPRECIATION TO THE GEORGIA LEGISLATURE FOR REVIEWING THE FORSYTH COUNTY, GEORGIA, SEWAGE DISPOSAL PROPOSAL.

WHEREAS, with appreciation and relief, this legislative body notes the actions of the Legislature of Georgia concerning the plan of Forsyth County, Georgia, to construct a 42,000,000-gallon-per-day sewage treatment plant on the Chattahoochee River, a proposal that includes a 25-mile-long diversion discharge pipe to transfer the waste water into the Coosa River Basin; and

WHEREAS, we are sincerely thankful for the concern displayed by the Georgia Legislature regarding this environmentally and economically sensitive issue and respectfully encourage both houses to take all necessary steps to prevent this unprecedented transfer of sewage from one river basin to another river basin; a shifting of responsibilities that may pose irreparable harm to the Coosa River, a primary watercourse that flows through the heart of our state and affects all aspects of the quality of our daily lives, including the provision of an adequate supply of clean and safe water for consumption, industry, agriculture, wildlife, and recreation; and

WHEREAS, this legislative body stands ready and willing to cooperate with and assist the State of Georgia in ensuring that our common watercourses are kept clean and pure; and that public health, economic and agricultural development, and environmental and recreational interests of both states are properly protected and enhanced; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully and earnestly request that the Legislature of Georgia continue to review the Forsyth County, Georgia, sewage disposal proposal, and at the proper time adopt and implement appropriate action to ensure that the interests of the State of Alabama in the Coosa River Basin are fully protected.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Presiding Officers of the Senate and the House of Representatives of the Great State of Georgia so that our good friends are informed of our concerns and expectations regarding this important issue.

On motion of Representative Carter, the resolution, H.J.R. 178, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 221. COMMENDING MERCEDES-BENZ U.S. INTERNATIONAL AND ITS PRESIDENT AND CEO, ANDREAS RENSCHLER.

WHEREAS, Mercedes-Benz AG has formed a new company, Mercedes-Benz U.S. International, to develop, build, and market its new All-Activity Vehicle from its new facility in Vance, Alabama, in Tuscaloosa County, under the direction of its President and CEO, Andreas Renschler; and

WHEREAS, the design study for the All-Activity Vehicle was awarded the honor of "Best of Show" by the editors of "AutoWeek" magazine following its presentation at the North American International Auto Show in Detroit, Michigan, in January 1996; and

WHEREAS, Mercedes-Benz U.S. International has made a commitment to employ and train Alabamians to build its new All-Activity Vehicle, and, to that end, the first production team members hired by the company are all residents of the state and are now hand assembling prototypes in the factory workshop, the first building on-site in Vance to be completed; and

WHEREAS, in partnership with the State of Alabama, Mercedes-Benz U.S. International is establishing a training center that will enhance skilled labor in automotive and manufacturing technology; and

WHEREAS, as a result of the company's commitment to utilize Alabama companies in the construction of its manufacturing facility, 80 percent of the companies involved in the Tuscaloosa County construction are Alabama companies; and of the 60 Mercedes-Benz suppliers, nine have announced plans to build a facility in the state; and

WHEREAS, because of the vision, skill, and determination of Andreas Renschler, who in March 1992 spearheaded the Mercedes-Benz AG project to evaluate the feasibility of building an All-Activity Vehicle outside of Germany, he was named President and CEO of Mercedes-Benz U.S. International in March 1993; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mercedes-Benz U.S. International, and its distinguished President and CEO, Mr. Andreas Renschler, for their contributions to our state.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided to Mr. Renschler as an expression of our sincere appreciation and as evidence of our commitment to work with Mercedes-Benz for the betterment of the economic future of Alabama.

On motion of Representative Carter, the resolution, H.J.R. 221, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 220. COMMENDING LIEUTENANT FRANK JACKSON ON HIS OUTSTANDING CAREER ACHIEVEMENTS.

WHEREAS, the men and women who devote their time and energy to the duties of law enforcement service have assumed responsibilities essential for the safety of their fellow citizens; and

WHEREAS, Lieutenant Frank Jackson is retiring after 35 years of dedicated service as a career law enforcement officer for the City of Chickasaw; and

WHEREAS, beginning his law enforcement career with the Army's Military Police in 1959, Lieutenant Jackson is the youngest law enforcement employee ever hired by the City of Chickasaw; and

WHEREAS, holding numerous positions with the police department during his career with the City of Chickasaw, Lieutenant Jackson has served as fireman, and earned the rank of both police sergeant and police lieutenant, and has served as police chief for six years; he is currently serving as assistant chief of police; and

WHEREAS, named as "Police Officer of the Year" on three occasions, Lieutenant Jackson has earned the respect and admiration of the citizens of Chickasaw for his valuable service as a member of the Volunteer Safety Department, Chickasaw Masonic Lodge, and Chickasaw First Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Lieutenant Frank Jackson is hereby recognized on the occasion of his well-earned retirement and highly effective law enforcement service.

BE IT FURTHER RESOLVED, That Lieutenant Jackson is provided a copy of this resolution with our sincere best wishes for the future.

On motion of Representative Carter, the resolution, H.J.R. 220, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 222. COMMENDING LEON DOUGLAS ON HIS INDUCTION INTO THE ALABAMA SPORTS HALL OF FAME.

WHEREAS, it is with sincere pride and pleasure that the Alabama Legislature notes the induction of Leon Douglas into the Alabama Sports Hall of Fame at the 28th annual induction ceremony in Birmingham, Alabama, February 24, 1996; and

WHEREAS, following an All-American career at Colbert County High School, Leon Douglas signed with the University of Alabama and, over the next four years of his successful tenure, helped the University to establish a winning tradition in basketball, leading Alabama to three straight conference championships, and to its first two NCAA Tournament appearances; and

WHEREAS, attuned to success, he was a four-year letterman with the Crimson Tide; ranked second on Alabama's all-time rebounding list, second in blocked shots, and third in scoring; was a four-time All-Southeastern Conference selection; and received All-American honors in 1975 and '76; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary achievement, and on the occasion of his induction into the Alabama Sports Hall of Fame, we hereby most high commend and congratulate Leon Douglas, a young Alabamian of whom we are justly proud, and for whom a copy of this resolution shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 222, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 223. MOURNING THE DEATH OF CECIL MAXIE JONES, SR. OF PRATTVILLE, ALABAMA.

WHEREAS, it is with the most profound sorrow and deep sense of loss that word has been received of the death of Cecil Maxie Jones, Sr., on February 6, 1996, at the age of 69; and

WHEREAS, a lifelong resident of Prattville, Alabama, Mr. Jones was a devoted member of East Memorial Baptist Church, and served his country with honor in the United States Air Force where he attained the rank of Tech Sergeant; and

WHEREAS, Mr. Jones is also recognized for his distinguished career and loyal service to Union Camp Paper Company where he was employed for 16 years; and

WHEREAS, the high esteem in which he is held by his loving family, myriad of friends, and other individuals fortunate enough to have known him indeed stands as a testament for others who strive for the best in personal, professional, public and community life, and his memory will live forever in the hearts and minds of those people who knew him; and

WHEREAS, left to cherish his memory are his wife, Myra Nell Jones; son, Cecil M. Jones, Jr.; two daughters, Malinda Ann Stevens and Teresa M. Jones; four grandsons, Billy, Brett, Max and Wesley; and two granddaughters, Allison and Halley; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our deepest sympathy in the death of Cecil Maxie Jones, Sr., and extend our most heartfelt sympathy to his bereaved family, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 223, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 224. COMMENDING DR. DANNY BLANCHARD FOR OUTSTANDING SERVICE TO THE HUNTSVILLE COMMUNITY AND STATE OF ALABAMA.

WHEREAS, Dr. Danny Blanchard is being commended and praised in recognition of his extraordinary and distinguished service in the Huntsville Community and State of Alabama; and

WHEREAS, Dr. Blanchard received his B.A. from Oakwood College, M.A. from Loma Linda University, and his Ed.S. and Ph.D. from Vanderbilt University, among other additional studies; he has also served in such prominent capacities as counselor, adjunct professor, professor, and consultant/advisor in countless professional environments; and

WHEREAS, with tireless hard work and unwavering commitment, Dr. Blanchard has made a lasting impression as the author of numerous publications in the field of mental health, and is well-known for his motivational speaking engagements; and

WHEREAS, an exemplar of extraordinary leadership ability and significant achievement, Dr. Danny Blanchard has served as President of the Community Development Advisory Council, and as board member of both the Hope-Place Woman's Abuse Shelter, and Salvation Army, among innumerable other memberships; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his extraordinary service to the Huntsville Community and State of Alabama, we hereby most highly commend Dr. Blanchard, whom we hold in highest personal regard, and for whom a copy of this resolution shall be provided as an expression of our tribute and esteem.

On motion of Representative Carter, the resolution, H.J.R. 224, was adopted.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H.J.R. 224:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 225. HONORING MRS. MAUDE EVELYN MCINTOSH DEAS ON THE OCCASION OF HER BIRTHDAY.

WHEREAS, it is with heartiest congratulations that the Legislature of Alabama extends best wishes to Mrs. Maude Evelyn McIntosh Deas of York, Alabama, on the occasion of her 79th Birthday, March 9, 1996; and

WHEREAS, born in Dadeville, Alabama, on March 9, 1917, she moved to York, Alabama, upon her marriage in 1935 to Maurice Albert Deas, who worked his way through the ranks to become a well-respected engineer with the railroad for many years; and

WHEREAS, Mrs. Deas is an active and loyal member of the First Baptist Church of York, Alabama, where she belongs to the Extra Years of Zeal (XYZ) Choir, whose music not only adds to the beauty and reverence of church services there, but also brings joy and happiness to many people in all walks of life who have the pleasure of hearing the choir's Christian witness in its travels throughout the community and beyond; and

WHEREAS, Mrs. Deas is the mother of two children, Martha Evelyn (Mrs. Hugh Burk), and Mae Jeanette (Mrs. Ronald Snisky, Sr.); grandmother of John and David Burk, and Ronald, Jr., Michael, Todd, Cindy and Tina Snisky; great grandmother of Aaron Burk, and Ronald, Bethany, Nicole, Nicholas, and Jance Snisky, Zachary and Sommer Jones, and Thomas and Timothy Hughes; and

WHEREAS, Mrs. Deas' birthday is an occasion to be celebrated with thanksgiving by her family and many loving friends, and we are indeed grateful for the life of this remarkable lady and are blessed by her good example and many contributions to the community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend our heartiest congratulations to Mrs. Maude Evelyn McIntosh Deas of York, Alabama, on her 79th Birthday, March 9, 1996.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for Mrs. Deas and her family as an expression of our sincere regard and warm best wishes for every future happiness and joy.

On motion of Representative Carter, the resolution, H.J.R. 225, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 233. DESIGNATING THE BRIDGE OVER PIN HOOK CREEK, IN BULLOCK COUNTY, ON HIGHWAY 82, "THE THOMAS GUTHRIE BRIDGE".

WHEREAS, Thomas Guthrie has resided on the same homestead in Simsville, Alabama, in Bullock County for the past eighty-eight years; and

WHEREAS, he has been an upstanding member of his community and is held in high esteem by all those who know and love him; and

WHEREAS, his friendliness and warm personality have endeared him to all those with whom he has ever associated; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the bridge on U.S. Highway 82 over Pin Hook Creek, Bullock County, Alabama, shall be named "The Thomas Guthrie Bridge."

BE IT FURTHER RESOLVED, That the appropriate officials are authorized to erect and maintain appropriate signs or markers, so designating the bridge as the "Thomas Guthrie Bridge" in honor of this outstanding individual.

On motion of Representative Carter, the resolution, H.J.R. 233, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 234. COMMENDING OSCAR VICKERY FOR HIS PROFESSIONAL ACHIEVEMENTS.

WHEREAS, Oscar Vickery, who lives in the Shiloh Community, has been a collector of classic and unusual antiques for more than 30 years; and

WHEREAS, an active politician and member of the Marion County Historical Society, Mr. Vickery collects carnival glass, as well as war memorabilia, including newspapers, and items of local interest; and

WHEREAS, at the age of 77 years, Mr. Vickery's favorite collections include thousands of cufflinks, some imported, and others dating back to the 1800s; his

most impressive collection is his military collection, which he enjoys sharing with fellow servicemen; and

WHEREAS, attaining the rank of Sergeant Major in the United States Army, Mr. Vickery has garnered numerous medals and awards in recognition of his military accomplishments, including the Purple Heart with four clusters, and the Bronze Star of Valor; and

WHEREAS, a military man who served his country with honor during World War II and the Korean War, Mr. Vickery was assigned to the 83rd Artillery Unit as a cannoneer, whose duty was to fire the old French 75 guns, and had the pleasure of meeting one of his favorite heroes, General George S. Patton; and

WHEREAS, a successful pitcher for the 7th Division Camp Youngins Cannoneers in Yamagota, Japan, Mr. Vickery's team won the league championship in 1949; and

WHEREAS, Oscar Vickery is married to the former Marley Lawler, who also is a collector, and is most highly commended for setting such a fine example for others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Oscar Vickery is recognized with sincere commendation and praise, and that he receive a copy of this resolution with our best wishes for the future.

On motion of Representative Carter, the resolution, H.J.R. 234, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 235. COMMENDING THE FORT DALE-SOUTH BUTLER ACADEMY LADY EAGLES ON THEIR STATE BASKETBALL CHAMPIONSHIP.

WHEREAS, the Alabama Legislature is greatly pleased to congratulate the Fort Dale-South Butler Academy Lady Eagles of Greenville, Alabama, on their 1996 2A Girls Basketball State Championship in Alabama Independent School Association (AISA) competition; and

WHEREAS, under the talented leadership of Head Coach Reggie Mantooth and Assistant Coach Johnny Mack Brown, the Fort Dale-South Butler Lady Eagles finished the regular season with an 18-8 record and, in state competition, defeated Dixie Academy 50-36, Shelby Academy 47-45 and, in a stunning upset, edged Calvary Christian Academy 41-39; and

WHEREAS, the Champion Lady Eagles, all of whom are underclassmen, and each of whom greatly contributed to an outstanding team effort are: Leesa Boykin, Ann Coon, Brandy Grayson, Bess Johnson, Jennie Katz, Tucker Ryan, Alice Williamson, Adria Brock, Mary Susan Jones, Kellie Murphy, Kelli Myers, Katie Sims, Sarah Ellen Leverette, and Melissa Gilbert; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Fort Dale-South Butler Academy Lady Eagles on their AISA 1996 2A Girls Basketball State Championship, and do further direct that a copy of this resolution be provided for Headmaster Tommy Bridges, for appropriate presentation and school display.

On motion of Representative Carter, the resolution, H.J.R. 235, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 236. COMMENDING THE REVEREND PHILLIP V. RUSHING FOR DEDICATED CHRISTIAN SERVICE.

WHEREAS, the Legislature of Alabama, in consensus of commendation, recognizes the Reverend Phillip V. Rushing for his many years of faithful service to the ministry and to First Bethesda Christian Church; and

WHEREAS, over the years, Reverend Rushing has been an inspiration to his church family as a true symbol of strength, love, and commitment to the Lord, and, under his spiritual leadership and guidance, Bethesda Christian Church has grown and flourished in all aspects of its ministry and witness, and significantly impacted the spiritual and moral climate of the community; and

WHEREAS, also to be remembered are the many dedicated members, who, with Christian love and devotion, have contributed so much in the life of First Bethesda; and

WHEREAS, Pastor Rushing, who began his career as a social worker, and was recognized as one of the Ten Outstanding Young Men in America, has further extended his endeavors to encompass numerous programs and activities of public interest and concern through the years; he was appointed coordinator of the election campaign for the Freedom Democratic Party, helped elect the first Black to the Mississippi House of Representatives, and served as chief counselor in a Community Action Program, for which he received a special citation from the Department of Labor; he also was one of only 10 selected from a field of 15,000 candidates to receive an HEW fellowship, an honor which took him to Washington,

D.C., where he became special assistant to the Commissioner of Health Services and Mental Health Administrator--only a few of many notable accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is with highest commendation that we recognize the Reverend Phillip V. Rushing for his many years of faithful service as Pastor of First Bethesda Christian Church and, on behalf of the entire membership, do further direct that a copy of this resolution be presented to him in tribute and gratitude for his many outstanding contributions of service.

On motion of Representative Carter, the resolution, H.J.R. 236, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 237. MOURNING THE DEATH OF BRYAN HARRIS OF BIRMINGHAM, ALABAMA.

WHEREAS, recorded with immense sorrow is the death of Bryan Harris on January 5, 1996, Birmingham, Alabama, at the age of just 58; and

WHEREAS, having retired after 20 years as an extraordinarily skillful Sales Representative with Jantzen Sportswear and Remington Neck Wear, Mr. Harris served as a symbol of strength and inspiration at Huffman United Methodist Church as President of the Administrative Board, Chairman of the Finance Committee, and Church Lay Leader; and

WHEREAS, Mr. Harris, who was a graduate of Emory University and member of Alpha Tau Omega fraternity, received recognition in 1973 as one of the Outstanding Young Men of America, served as President of both Huffman Elementary and Huffman High School PTAs, was a member of Carolina Men's Apparel and BAMAC, and his enthusiastic support and leadership of community activities will long be remembered; and

WHEREAS, Bryan Harris' memory will be cherished by his loving wife, Beverly; sons, George Bryan and Todd Warren; mother, Mrs. Harriet Elizabeth Harris; and brother, Edward P. Harris; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our deepest regret in the death of Mr. Harris, and extend our most heartfelt sympathy to his bereaved family, for whom a copy of this resolution shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 237, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 238. COMMENDING WILLIAM FLOYD CLIPSON FOR HIS OUTSTANDING CIVIC AND PROFESSIONAL SERVICES.

WHEREAS, William Floyd Clipson, a resident of Tuscaloosa, Alabama, and active member of First United Methodist Church, is recognized by the Alabama Legislature as an exemplar of extraordinary leadership ability, as well as recipient of the 1995 Rotary Rose established by the Tuscaloosa Rotary Club in 1944; and

WHEREAS, Mr. Clipson received his B.S. degree from Troy State University in 1943, his M.A. degree from the University of Alabama in 1946, and his Ed.D. from Columbia University in 1951, and is the author of numerous publications, as well as several unpublished studies; and

WHEREAS, the number of professional endeavors in which Mr. Clipson participated are incalculable, and include such service as Professor and Coach of both the Golf and Football team at Troy State University, and Professor at the University of Alabama, to name a few; and

WHEREAS, through his continuous perseverance in service to the people of his community, Mr. Clipson has served as a member of the Governor's Fitness Commission, and State Committee to Evaluate the Educational Program offered by the United States Sports Academy, as well as many others; and

WHEREAS, Mr. Clipson has garnered numerous awards in recognition of his accomplishments, including William "Bill" Clipson Day, Troy, Alabama, and was recipient of a Certificate of Appreciation from Governor George C. Wallace for being a distinguished educator; and

WHEREAS, William Floyd Clipson is to be commended for his lifetime of service to his community, and has earned the respect of his wife, Madolyn, who has been a constant source of support and encouragement, and children, William Richard Clipson and Kathryn Clipson Brock, MD, and his countless friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and community service, we hereby direct that he receive a copy of this resolution with sincere best wishes for continued success in the future.

On motion of Representative Carter, the resolution, H.J.R. 238, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 239. COMMENDING DANIEL GEARY FOR HIS HEROIC ACTIONS.

WHEREAS, Daniel Geary of Boy Scout Troop 95 is deserving of highest honor and commendation for his quick, decisive, and courageous action in coming to the assistance of his family in a life-threatening situation; and

WHEREAS, while visiting at the home of Pam Geary, Paula Minton, Daniel's six-year-old niece, fell into the deep end of her swimming pool; Ms. Geary, knowing that Paula could not swim, saw Paula fall into the pool, but was unable to open her sliding glass doors to rescue her; and

WHEREAS, when Ms. Geary knocked on the doors to get Daniel's attention, he immediately plunged into the pool, and pulled her out; remembering his Boy Scout training, Daniel quickly pressed her chest, thereby releasing large amounts of water; and

WHEREAS, Daniel Geary is indeed recognized for his supreme gift of action at extreme personal risk, and is commended for his valiant efforts and fast actions in saving the life of Paula Minton; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Daniel for his outstanding courage, and for his unselfish willingness to sacrifice his own life for another.

BE IT FURTHER RESOLVED, That Daniel Geary receive a copy of this resolution in token of our sincere commendation and in admiration for his enviable courage.

On motion of Representative Carter, the resolution, H.J.R. 239, was adopted.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H.J.R. 239:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 240. CONGRATULATING COLBY AND KATIE BYNON ON THE BIRTH OF A SON, HUNTER COLBY BYNON.

WHEREAS, it is with great pleasure that the Alabama Legislature most heartily congratulates Colby and Katie Bynon on the birth of their son, Hunter Colby Bynon, on December 22, 1995; and

WHEREAS, born at 9:29 P.M., and weighing in at 8 pounds, 13 ounces, and measuring 21 inches, Hunter Colby Bynon is indeed blessed to have been born to Colby and Katie Bynon, who have worked diligently as individuals and as a couple to develop those qualities that form the basic foundation upon which a child can develop his or her greatest potential; and

WHEREAS, we are indeed happy for Colby and Katie, and for Hunter Colby's proud grandparents, Ken and Rita Hewlett; uncles, Will Hewlett and Charles Bynon; and great grandparents, Junior and Lavelle Herring and Martha Martin, and other family members; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate Colby and Katie Bynon on the birth of a fine baby boy, Hunter Colby Bynon, and do further direct that they receive a copy of this resolution, with a copy also provided for Hunter Colby Bynon that he may later know of the joy we shared with his parents and family on the occasion of his birth.

On motion of Representative Carter, the resolution, H.J.R. 240, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 44. CONGRATULATING JOHN AND MICHELLE CREWS ON THE BIRTH OF THEIR SON, CHANDLER MATHEW CREWS.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 44.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Parker (T), the rules were suspended in order to permit the Standing Committee on Local Legislation No. 6 to meet while the House is in Session.

LEAVE OF ABSENCE

At the request of Representative Gaines, leave of absence was granted for Representative Sanderson.

BILLS ON SECOND READING

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 554. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Ider in Dekalb County.

Representative Holmes, Chairperson of the Standing Committee on Local Legislation No. 5, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 500. Relating to Montgomery County, requiring all beer, prior to distribution to retail licensees in the county, to be stored in a warehouse in the county and be available for inspection by the Alcoholic Beverage Control Board; and providing certain civil remedies.

Representative Parker (T), Chairperson of the Standing Committee on Local Legislation No. 6, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 626. To amend Sections 11-44B-6 to 11-44B-7, inclusive, Ala. Code (1975), to provide further for the procedures of operation of mayor-council form of government adopted by Class 4 municipalities pursuant to Section 11-44B-1, et seq., Ala. Code (1975).

H. 627. To amend Section 11-44B-8, Code of Alabama 1975, as follows:

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 546. To amend Sections 23-1-271, 23-1-272, 23-1-273, and 23-1-274, as amended by Act 95-566, H. 547, 1995 Regular Session (Acts 1995, p. 1182); 23-1-278, 23-1-279, and 23-1-280 as amended by Act 95-566, H. 547, 1995 Regular Session (Acts 1995, p. 1182), of the Code of Alabama 1975, relating to outdoor signs regulated by the Highway Beautification Act-Outdoor Advertising to provide for the prohibition of signs adjacent to scenic byways; to provide for the spacing of signs allowed by the act; to add the National Highway System to the highways covered by the act; and to convert measurements to metric units.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 623. To exempt the Iron and Steel Society, Incorporated, from the payment of all state, county, and municipal sales and use taxes which would be levied on any expenses of the society which are related to the annual conference of the society to be held in Birmingham, Alabama, March 17, 18, and 19, 1996.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 532. (With Substitute): To provide for a salary increase for certain state employees and to appropriate funds therefor for the fiscal years beginning October 1, 1996 and October 1, 1997.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 139. Creating the General Fund Proration Prevention Act of 1996 to prevent proration of funds appropriated by the Legislature; providing for methods of withdrawals and repayment.

TOMMY CARTER
Chairman

And the bill, H. 139, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 301. To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1997.

TOMMY CARTER
Chairman

And the bill, H. 301, as engrossed, was ordered sent to the Senate.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Parker (P):

H. 629. To prohibit smoking in nursing home facilities.

COMMITTEE ON HEALTH

By Representative Turner:

H. 630. To provide for a lifetime resident saltwater fishing license and for its issuance; and to provide for the establishment of the Alabama Marine Resources Endowment Fund within the Marine Resources Fund and for the deposit of fees from the license provided by this act into the endowment fund.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Turner:

H. 631. Relating to education; providing for sign language as a credited foreign language.

COMMITTEE ON EDUCATION

By Representatives McMillan and Turner:

H. 632. To amend Sections 22-21-260, 22-21-261, 22-21-263, 22-21-264, Section 1 of Act No. 95-565, H. 754, 1995 Regular Session, now appearing as Section 22-21-265, 22-21-266, 22-21-267, 22-21-268, 22-21-270, 22-21-271, 22-21-274, 22-21-275, and 22-21-276, Code of Alabama 1975; to repeal Sections 22-4-1, 22-4-2, 22-4-3, 22-4-4, 22-4-5, 22-4-6, 22-4-7, 22-4-8, 22-4-9, 22-4-10, 22-4-11, 22-4-12, 22-4-13, 22-4-14, 22-4-15, 22-4-16, 22-4-17, and 22-21-278, Code of Alabama 1975; to establish the State Health Facilities Commission; to abolish the State Health Planning and Development Agency and the Statewide Health Coordinating Council; to eliminate the inclusion of an analysis of the need for development of certain health services in the annual state plan; to eliminate the certificate of need requirement for certain health services; to provide requirements for the addition of hospital or nursing home beds to certain health facilities; and to provide requirements for obtaining a certificate of need to add beds by a hospital or nursing home.

COMMITTEE ON HEALTH

By Representative Johnson (R):

H. 633. To amend Section 22-12C-5, Code of Alabama 1975; to revise the formula used to calculate civil monetary penalties for vendors who violate Women, Infants, and Children Nutritional Supplement (WIC) Program administrative rules; and to give WIC Program Director, administrative hearing officer, and others as designated by the State Health Officer authority to mitigate or settle adverse actions.

COMMITTEE ON JUDICIARY

By Representatives Drake and Morrow:

H. 634. To authorize private entities to construct and operate toll roads upon the approval of certain public entities; to provide for comprehensive agreements; and to provide for procedures in the event of default.

COMMITTEE ON HIGHWAY SAFETY

By Representative Carothers:

H. 635. Relating to persons sentenced as habitual offenders; to amend Section 13A-5-9 of the Code of Alabama 1975, to further provide for the range of sentences; and to provide for the review of certain persons sentenced to imprisonment for life without parole.

COMMITTEE ON JUDICIARY

By Representative Gipson:

H. 636. To exempt the Marbury High Alumni Association from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller and Johnson (R):

H. 637. To make a supplemental appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Auburn University School of Pharmacy to implement the "Pharm D. Program," in the amount of five hundred thousand dollars (\$500,000) for the fiscal year ending September 30, 1996.

COMMITTEE ON WAYS AND MEANS

By Representative Thomas (D):

H. 638. To provide that upon a second conviction of rape in the first degree, the defendant may be sentenced to death.

COMMITTEE ON JUDICIARY

By Representatives Kennedy and Buskey:

H. 639. To authorize the Alabama State Docks Department to expend certain funds for a safety incentive program.

COMMITTEE ON WAYS AND MEANS

By Representative Moore:

H. 640. To amend Section 40-23-7, Code of Alabama 1975, to provide further for the payment of quarterly sales tax returns.

COMMITTEE ON WAYS AND MEANS

By Representative Warren:

H. 641. To amend Section 17-4-156, Code of Alabama 1975, to provide further for the working days of certain county boards of registrars.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Laird:

H. 642. To amend Sections 41-16-120, 41-16-122, and 41-16-123 of the Code of Alabama 1975, relating the purchase of surplus property; to provide that payment for purchase of surplus property by eligible entities from the Surplus Property Division of the Alabama Department of Economic and Community Affairs shall be made within 60 days of purchases and to provide for an unappropriated, perpetual, inventory fund for the purchase of federal personal property for resale by the Surplus Property Division of the Alabama Department of Economic and Community Affairs.

COMMITTEE ON STATE ADMINISTRATION

By Representative White:

H. 643. To amend Section 41-9-591, Code of Alabama 1975, relating to the Alabama Criminal Justice Information Center; to authorize certain user fees by the center for computer access and computer equipment; to create a special account for those fees in the State Treasury; and to provide for the use of the fees.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Hill, Rogers (M), Gipson, and Knight (A):

H. 644. To propose an amendment to the Constitution of Alabama of 1901, to prohibit the annexation of property to a municipality by local law unless the property is contiguous to the annexing municipality; and to validate certain prior annexations.

COMMITTEE ON LOCAL GOVERNMENT

The above bill was read a first time at length as required by the Constitution.

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By Representatives Sanderford, Jorgensen, Papucci, Hinshaw, Hall (L), Carns, Hawkins, Thomas (D), Hooper, Dean, McMillan, Allen, Crigler, Moore, Seibenhener, Newton (C), and Haney:

H. 645. Amending Section 1 of Act 95-187, H. 438, of the 1995 Regular Session, appearing as Section 40-18-190 of the Code of Alabama 1975, to specify that certain property previously owned or leased by an investing company constitutes a capital cost for purposes of obtaining a state income tax capital credit.

**COMMITTEE ON INDUSTRIAL DEVELOPMENT
AND ECONOMIC GROWTH**

By Representative Hill:

H. 646. To amend Section 41-14-4 of the Code of Alabama 1975, relating to state depositaries, so as to allow the state to pay state depositaries for the transfer or removal of funds to or from the state depositaries, item handling charges, and for any other services performed by the state depositary.

COMMITTEE ON BANKING

By Representative Rogers (M):

H. 647. To provide for the qualified electors of the state to vote for candidates for elected offices without regard to the political affiliation of the elector; to require all candidates who qualify to run for an office to be listed on the open primary election ballot; to provide for a runoff election after the open primary election; to amend Sections 17-1-1, 17-8-2, 17-8-10, 17-8-45, 17-9-7, 17-9-26, 17-9-33, 17-10-12, and 17-16-1, Code of Alabama 1975; and to repeal Sections 17-7-1, 17-8-2.1, 17-8-3, 17-8-4, 17-8-5, 17-8-15 to 17-8-19, inclusive, 17-8-21, 17-9-31, 17-16-4, 17-16-9, 17-16-11 to 17-16-17, inclusive, 17-16-20, 17-16-21, 17-16-36, 17-16-37, 17-16-40, 17-16-41, 17-16-46, and 17-16-70 to 17-16-89, inclusive, Code of Alabama 1975.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Hilliard, Houston, Rogers (J), Buskey, Clark (W), and Box:

H. 648. To allow the officers and employees of the American Federation of Teachers in Alabama to elect to participate in the Teachers' Retirement System.

COMMITTEE ON WAYS AND MEANS

By Representatives Hilliard, Rogers (J), Maull, Mitchell, Knight (J), McClammy, Holmes, Hall (L), Hayden, Jackson, Houston, Minnifield, Buskey, and Clark (W):

H. 649. To establish the Alabama Task Force on the Status of African-American Males.

COMMITTEE ON PUBLIC WELFARE

By Representative Thomas (J) (With Notice and Proof):

H. 650. To alter or rearrange the boundary lines of the Town of Fort Deposit, Lowndes County, Alabama, so as to include within the corporate limits of the said Town of Fort Deposit all territory now within such corporate limits and also certain other territory contiguous thereto, in Lowndes County, Alabama.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 650, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Burke:

H. 651. To amend Section 40-6A-2, Code of Alabama 1975, which is related to the compensation of tax assessors, tax collectors, revenue commissioners, license commissioners, or other persons charged with assessing and collecting ad valorem taxes in the various counties of this state, so as to increase the minimum salaries provided in the section by \$5,000 in each population bracket; to provide for two additional \$5,000 increases in compensation effective October 1, 1998 and October 1, 1999 respectively; and to provide an effective date at the beginning of the official's next term of office; to amend Sections 40-4-5, 40-5-6, 40-5-14, 40-5-17, 40-7-19, 40-7-32, 40-10-27, and 40-10-29, Code of Alabama 1975, relating to the fees allowed the tax assessors, tax collectors, revenue commissioners, license commissioners, or other ad valorem tax officials, and probate judges of the various counties of this state for performing certain functions and duties of their offices; specifically, Section 40-4-5 relating to the fee allowed for making demand on a taxpayer for his or her list of property to be returned; Section 40-5-6 relating to fees allowed for making actual demand on delinquent taxpayers; Section 40-5-14 relating to the levy and sale of personal property of delinquent taxpayers; Section 40-5-17 relating to securing a writ against delinquent taxpayers who have left the county; Section 40-7-19 relating to making demand upon taxpayers who have failed to make return of taxable property; Section 40-7-32 relating to making returns of property which has escaped taxation; Section 40-10-27 relating to notice to a delinquent property owner to show cause why a decree of sale should not be rendered; and Section 40-10-29 relating to the fee allowed the judge of probate for issuing a tax deed, so as to increase the fees allowed in the sections to \$10.

COMMITTEE ON WAYS AND MEANS

RESOLUTION

The following resolution was introduced:

By Representatives Graham, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Cams, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.J.R. 241. COMMENDING THE ALL-ALABAMA ACADEMIC TEAM.

The resolution, H.J.R. 241, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Carter, the Budget Isolation Resolution relating to the bill, H. 464, was adopted.

Yeas 44; Nays 0.

Yea:

Representatives Baker, Black (M), Burke, Carter, Clark (W), Clouse, Collins, Curry, Flowers, Gaines, Gipson, Hall (A), Hamilton, Hammett, Haney, Hayden, Hill, Hinshaw, Houston, Johnson (E), Knight (A), Layson, Lindsey, McDaniel, Melton, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Spratt, Thomas (D), Townsend, Turner and Venable.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 464. Relating to Limestone County; abolishing the office of constable.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 1.

Yea:

Representatives Allen, Baker, Black (M), Burke, Carns, Carothers, Carter, Clouse, Collins, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, McAdory, Melton, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Reed, Robinson, Rogers (M), Seibenhener, Spratt, Starkey, Townsend, Turner, Turnham, Venable and White.

-55

Nay:

Representative Black (L).

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Layson, the Budget Isolation Resolution relating to the bill, H. 391, was adopted.

Yeas 42; Nays 0.

Yea:

Representatives Baker, Black (M), Clouse, Collins, Curry, Dolbare, Drake, Gaines, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hayden, Hill, Hinshaw, Hogan, Houston, Knight (A), Layson, Lindsey, McAdory, McMillan, Melton, Moore, Morton, Murphree, Newton (D), Papucci, Payne, Reed, Robinson, Rogers (M), Seibenhener, Sims, Smith, Starkey, Townsend, Turner, White and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 391. Relating to the Twenty-fourth Judicial Circuit; providing for the establishment of a Judicial Administration Fund in the circuit and for the distribution of moneys in the fund.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yea:

Representatives Baker, Black (M), Box, Burke, Buskey, Carter, Clark (W), Clouse, Collins, Dean, Dolbare, Drake, Dukes, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Jorgensen, Knight (A), Layson, Lindsey, McAdory, McMillan, Melton, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Reed, Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Venable and Willis.

-55

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 566, was adopted.

Yeas 43; Nays 0.

Yea:

Representatives Baker, Bandy, Black (M), Boyd, Burke, Buskey, Carothers, Clouse, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Hamilton, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Johnson (E), Johnson (R), Jorgensen, Knight (A), Lindsey, McMillan, Moore, Morrow, Morton, Papucci, Parker (P), Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (J), Turnham, Warren and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 566. Relating to Talladega County; providing for the assessment of additional costs and charges in all circuit and district court cases, excluding small claims division cases; and providing for the establishment of a Judicial Administration Fund in the county and the distribution of moneys in the fund.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yea:

Representatives Baker, Bandy, Box, Boyd, Burke, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, Maull, McAdory, McMillan, Melton, Moore, Morrow, Morton, Murphree, Papucci, Parker (P), Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (J), Turnham, Warren, White and Willis.

-54

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 567, was adopted.

Yeas 62; Nays 0.

Yea:

Representatives Baker, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Lindsey, Maull, McMillan, Melton, Millican, Moore, Morrow, Morton, Murphree, Papucci, Parker (P), Payne, Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance, Warren and Willis.

-62

And the bill:

H. 567. Relating to the Talladega County; to provide that the District Attorney may terminate, suspend, or demote employees in his or her office under certain conditions; to provide that the employees shall be entitled to written notice of the grounds for the termination, suspension, or demotion and a hearing; and to provide for appeal.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yea:

Representatives Baker, Bandy, Black (M), Box, Boyd, Carns, Carothers, Clouse, Collins, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Johnson (R), Knight (A), Laird, Layson, Lindsey, Maul, McAdory, McMillan, Melton, Millican, Morrow, Morton, Murphree, Papucci, Parker (P), Payne, Perdue, Robinson, Rogers (M), Seibenhener, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance and Warren.

-54

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Galliher, the Budget Isolation Resolution relating to the bill, H. 579, was adopted.

Yeas 59; Nays 0.

Yea:

Representatives Allen, Baker, Black (M), Burke, Carothers, Carter, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, McAdory, McMillan, Melton, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Perdue, Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Turnham, Vance, Venable and Willis.

-59

And the bill:

H. 579. Relating to Etowah County; to amend Section 4 of Act No. 95-208, 1995 Regular Session, creating the Etowah County Community Development Committee, to remove limitations on the expenditure of sales tax proceeds received by the committee.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yea:

Representatives Allen, Baker, Black (M), Burke, Carter, Clouse, Collins, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Guin, Hall (A), Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Johnson (E), Jorgensen, Kennedy, Layson, Lindsey, McAdory, McMillan, Melton, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Perdue, Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Turnham, Vance, Venable and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Galliher, the Budget Isolation Resolution relating to the bill, H. 580, was adopted.

Yeas 54; Nays 0.

Yea:

Representatives Allen, Baker, Black (M), Boyd, Burke, Carothers, Carter, Clouse, Collins, Dean, Dolbare, Drake, Dukes, Fuller, Galliher, Gaston, Gipson, Guin, Hall (A), Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Lindsey, McAdory, McMillan, Melton, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Turner, Turnham, Vance and Willis.

-54

And the bill:

H. 580. Relating to Etowah County; to amend Sections 2 and 4 of Act No. 95-322, 1995 Regular Session, creating the Etowah County Library Committee; to

provide that the committee may spend funds it receives from the local sales tax for professional services and capital expenditures.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yea:

Representatives Allen, Baker, Black (M), Boyd, Burke, Carothers, Carter, Clouse, Collins, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Guin, Hall (A), Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Knight (J), Laird, Lindsey, McAdory, McMillan, Melton, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Turner, Turnham, Vance, Venable and Willis.

-60

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Sims, the Budget Isolation Resolution relating to the bill, H. 590, was adopted.

Yeas 60; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Boyd, Burke, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McMillan, Melton, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable and Willis.

-60

And the bill:

H. 590. To prohibit the Alabama Alcoholic Beverage Control Board from issuing any form of license in any municipality within Calhoun County for the retail sale of any intoxicating beverage, including, but not limited to, beer and other forms of malt beverages, wine or liquor of any kind or variety without the approval

of the governing body of the county or municipality in which the retail sales are sought to be licensed, unless the denial of approval is set aside by the Circuit Court of the county in which the license site is situated as having been arbitrarily or capriciously denied by the governing body; and to provide for court jurisdiction and procedures to review a denial of municipal approval.

was taken up.

SUBSTITUTE OFFERED

Representative Sims offered the following substitute to the bill, H. 590:

A BILL TO BE ENTITLED AN ACT

To prohibit the Alabama Alcoholic Beverage Control Board from issuing any form of license in any municipality within Calhoun County for the retail sale of any intoxicating beverage, including, but not limited to, beer and other forms of malt beverages, wine or liquor of any kind or variety without the approval of the governing body of the county or municipality in which the retail sales are sought to be licensed, unless the denial of approval is set aside by the Circuit Court of the county in which the license site is situated as having been arbitrarily or capriciously denied by the governing body; and to provide for court jurisdiction and procedures to review a denial of municipal approval.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. All other provisions of law, rules, or regulations to the contrary notwithstanding, the Alabama Alcoholic Beverage Control Board shall absolutely have no authority to issue any form of license in any municipality in Calhoun County, Alabama including, but not limited to, on or off-premise consumption licenses, special event or special retail licenses, restaurant or lounge licenses, club licenses, or other licenses for the retail sale of any form of intoxicating beverages, including, but not limited to, beer and other forms of malt beverages, wine, liquor, or other alcoholic beverages regulated by the board, unless the application therefor has first been approved by the governing body of the county or the municipality within whose corporate limits the site of the license is to be situated. The county or the municipality shall adopt and promulgate rules and regulations for the administration and processing of applications for such licenses.

Section 2. The Alabama Alcoholic Beverage Control Board may issue such license only if the denial of approval by the governing body of the county or the municipality has been set aside by order of the Circuit Court of Calhoun County and the order has been affirmed by the appropriate appellate court, if an appeal has been taken. The Circuit Court of County may set aside the denial of approval of a license only on the basis that the denial by the county or the municipality was arbitrary and capricious.

Section 3. Proceedings in circuit court to review an action of the county or a municipal governing body denying approval of a license application shall be expedited de novo proceedings, heard by a circuit judge without a jury who shall consider any testimony presented by the county or city governing body and any new evidence presented in explanation or contradiction of the testimony. If a licensee ultimately prevails in any judicial review as herein provided on any basis other than new evidence presented to the court that was not fully presented to the county or the municipal governing body, then the applicant shall be entitled to an award of reasonable attorneys' fees against the municipality. Any proceeding to review the denial of approval of a license application by the county or a municipality shall be commenced within 14 calendar days of the action by the county or municipal governing body and shall be set for hearing by the court within 30 calendar days thereafter.

Section 4. This act shall supersede any and all laws, rules and regulations contrary to or inconsistent with Section 1 of this act.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 54; Nays 0.

Yea:

Representatives Baker, Bandy, Black (M), Boyd, Burke, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Gaston, Gipson, Guin, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Jorgensen, Knight (A), Laird, Lindsey, Maull, McAdory, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Perdue, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Turner, Vance, Venable and Willis.

-54

And the bill:

H. 590. To prohibit the Alabama Alcoholic Beverage Control Board from issuing any form of license in any municipality within Calhoun County for the retail sale of any intoxicating beverage, including, but not limited to, beer and other forms of malt beverages, wine or liquor of any kind or variety without the approval of the governing body of the county or municipality in which the retail sales are sought to be licensed, unless the denial of approval is set aside by the Circuit Court of the county in which the license site is situated as having been arbitrarily

or capriciously denied by the governing body; and to provide for court jurisdiction and procedures to review a denial of municipal approval.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 56; Nays 0.

Yea:

Representatives Baker, Bandy, Black (M), Boyd, Burke, Carns, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Gaines, Gaston, Gipson, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Jorgensen, Knight (A), Laird, Lindsey, Maull, McAdory, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Rogers (M), Sims, Smith, Spratt, Starkey, Townsend, Turner, Venable and Willis.

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RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 242. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the ninth legislative day, Thursday, March 7, 1996, taking precedence over the regular order of business or any pending or unfinished business. Consideration of these bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id	Page
H. 359 - By Willis	43
Hunting and fishing, right guaranteed in accordance with law, const. amend.	
H. 250 - By Buskey (As Amended)	25
Sickle Cell Oversight and Regulatory Commission estab., composition, duties	

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H. 397 - By Moore

55

Driver Training School License Act, schools operated by American Association of Retired Persons, exempt from, Sec. 32-14-5 am'd.

H. 263 - By Hamilton

32

Acts and Journals, publication and distrib. by Sec. of State, alt., Sec. 41-4-150 am'd.

H. 375 - By Dolbare

37

St. Stephens Historical Society, bd. of trustees, membership incr., Sec. 41-9-335 am'd.

H. 98 - By Flowers

41

Insurance companies, standard valuation law, capital req., disclosure, risk-based capital requirement extensively revised, Sec. 27-36-7 am'd.

H. 405 - By Gaines

47

Uniform Commercial Code, investment securities article repealed and replaced, Article 8 of Title 7 repealed, numerous secs. am'd., Secs. 7-9-115, 7-9-116 added

H. 291 - By Sanderford

53

Colleges and institutions of higher ed., military recruitment, access to facilities, Sec. 16-1-25 am'd.

H. 356 - By Gipson

26

Motor vehicles, Ducks Unlimited, distinctive license tags, fees, distrib. of funds, duties to Revenue Dept.

H. 7 - By Morrison (As Amended and Substituted)

43

Disabled, sp. fishing and sp. crossbow hunting licenses, physician statement on initial issuance of license only

H. 132 - By Clouse

20

Health insurance for cert. persons receiving benefits under Employees' Retirement System, payment of, Secs. 36-34-1, 36-34-2 am'd., Act 95-771, 1995 Reg. Sess. am'd.

H. 486 - By Parker (P) 42

Colleges and universities, required to give college credit to cert. high school students for advanced placement courses

H. 490 - By Knight (A) 48

Telecommunication services, unlawful telecommunication devices, use, possession prohib., criminal penalties, civil remedies

H. 595 - By Carothers 85

Public Safety Dept., cert. funds clarified, Secs. 13A-12-294, 32-2-80, 32-2-81, 32-6-5, 33-5-55 am'd.

The following bills are not subject to the 10-minute limitation, and are subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id	Page
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H. 430 - By Rogers (J)	49
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Authorities, cert., to be formed by political subdivisions for acquisition, development and management of public parks, playgrounds, and other recreational and athletic areas/facilities, to issue bonds, Secs. 11-47-210 to 11-47-219, inclusive, am'd.

H. 84 - By Venable (As Amended and Substituted)	45
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Elections, requirements for counting and authenticating absentee ballots, provided, Secs. 17-10-7, 17-10-9, 17-10-10 am'd.

H. 489 - By Johnson (R) (As Amended)	56
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Motor vehicles, tinted windshields reg., standards, exceptions and medical exemptions, penalties

H. 198 - By Johnson (R) (As Amended)	55
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Public Safety Department, cert. st. officers, protection, security officers, Minimum Standards and Training Act exemption removed, Sec. 36-33-2 am'd.

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H. 257 - By Rogers (J)

58

Racing Commission in Class 1 muns., simulcasting auth.

On motion of Representative Carter, the resolution, H.R. 242, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Willis, the Budget Isolation Resolution relating to the bill, H. 359, was adopted.

Yeas 83; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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And the bill:

H. 359. To propose an amendment to the Constitution of Alabama of 1901, to guarantee the right to hunt and fish in this state in accordance with law and to designate the amendment as the "Sportsperson's Bill of Rights."

was taken up.

AMENDMENT OFFERED

Representative White offered the following amendment to the bill, H. 359:

On page 2, line 6, after the "period" insert the following: The right to hunt shall include the right to hunt with dogs.

AMENDMENT TABLED

On motion of Representative Willis, the amendment offered by Representative White to the bill, H. 359, was tabled.

Yeas 27; Nays 20.

Yea:

Representatives Allen, Boyd, Burke, Carns, Clouse, Drake, Gipson, Haney, Hawkins, Hayden, Houston, Jorgensen, Laird, McClammy, Mitchell, Morrison, Page, Payne, Rogers (M), Seibenhener, Sims, Spratt, Starkey, Thomas (D), Townsend, Turnham and Willis.

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Nay:

Representatives Black (M), Crigler, Dolbare, Flowers, Fuller, Guin, Hall (A), Hamilton, Hammett, Jackson, Johnson (E), McAdory, Morrow, Robinson, Smith, Turner, Vance, Venable, Warren and White.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 359, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 1.

Yea:

Representatives Allen, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican,

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Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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Nay:

Representative Johnson (E).

- 1

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 359:

Representatives Allen, Clouse, Crigler, Gaines, Hill, Hooper, Jorgensen, Knight (A), McMillan, Moore, Papucci, Rogers (M), Sanderford, Seibenhener, Sims, Thomas (D) and Turner.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Johnson (E) inadvertently voted "Nay" and intended to vote "Yea" on passage of the bill, H. 359.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Buskey, the Budget Isolation Resolution relating to the bill, H. 250, was adopted.

Yeas 85; Nays 0.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-85

H. 624 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 624, from the Standing Committee on Insurance to the Standing Committee on Health.

H. 625 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 625, from the Standing Committee on Insurance to the Standing Committee on Health.

H. 250 TAKEN UP

And the bill:

H. 250. (With Amendments): To create the Alabama Sickle Cell Oversight and Regulatory Commission; to provide for appointment to the commission; and to provide for the powers and duties of the commission.

was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

On page 2, after line 3, insert the following subdivision and renumber the subsequent subdivision accordingly:

(2) One member shall be appointed by the University of South Alabama Comprehensive Sickle Cell Center.

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 81; Nays 0.

Yea:

Representatives Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci,

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Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

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The question was then on the adoption of the amendment #2 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 250 on page 2, line 21 after the period by inserting the following language:

"Expenses of the commission are to be paid from funds available to the commission."

Further amend the bill on page 3, line 11 after the word "education" by inserting the word "which".

Further amend the bill on page 3, line 17 after the word "counseling" by inserting the word "which".

Further amend the bill on page 3, line 21 after the word "follow-up" by inserting the word "which".

Further amend the bill on page 3, line 24 after the word "complications" by inserting the word "which".

Further amend the bill on page 4, line 1 after the word "services" by inserting the word "which".

Further amend the bill on page 4, line 4 by deleting "(6)" and inserting in lieu thereof "Section 6".

Further amend the bill on page 4, line 7 by deleting the figure "6" and inserting in lieu thereof the figure "7".

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 79; Nays 0.

Yea:

Representatives Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller,

Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, White, Willis and Wren.

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AMENDMENT OFFERED

Representative Buskey offered the following amendment to the bill, H. 250, as amended:

Amend H. 250 Section 5 on page 4 by deleting lines 4, 5 and 6 in its entirety and renumber the remaining section.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 0.

Yea:

Representatives Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

-77

And the bill:

H. 250. To create the Alabama Sickle Cell Oversight and Regulatory Commission; to provide for appointment to the commission; and to provide for the powers and duties of the commission.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 83; Nays 0.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 233. DESIGNATING THE BRIDGE OVER PIN HOOK CREEK, IN BULLOCK COUNTY, ON HIGHWAY 82, "THE THOMAS GUTHRIE BRIDGE".

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Moore, the Budget Isolation Resolution relating to the bill, H. 397, was adopted.

Yeas 81; Nays 0.

Yea:

Representatives Allen, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston,

Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-81

And the bill:

H. 397. To amend Section 32-14-5 of the Code of Alabama 1975, to exempt driver improvement schools operated by the American Association of Retired Persons from the Driver Training School License Act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hamilton, the Budget Isolation Resolution relating to the bill, H. 263, was adopted.

Yeas 84; Nays 0.

Yea:

Representatives Allen, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller,

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Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-84

And the bill:

H. 263. To amend Section 41-4-150, Code of Alabama 1975; to provide that bound Acts and Journals are to be distributed pursuant to the discretion of the Secretary of State; and to provide a copy for members of the Legislature and to departments, officers, courts, and others.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Drake intended to vote "Nay" on passage of the bill, H. 354, on the seventh legislative day.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Drake intended to vote "Nay" on passage of the bill, H. 429, on the seventh legislative day.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Dolbare, the Budget Isolation Resolution relating to the bill, H. 375, was adopted.

Yeas 92; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-92

And the bill:

H. 375. To amend Section 41-9-335, Code of Alabama 1975; to increase the membership of the board of trustees of the St. Stephens Historical Commission; to provide that the additional members would be appointed by the Washington County Legislative Delegation and at least one of the new appointees shall be African American; and to provide for the terms of the new appointees.

was taken up.

AMENDMENT OFFERED

Representative Dolbare offered the following amendment to the bill, H. 375:

Amend H. 375 on page 2, line 16 after the word "of" by striking the word "one,".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 88; Nays 0.

Yea:

Representatives Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-88

And the bill:

H. 375. To amend Section 41-9-335, Code of Alabama 1975; to increase the membership of the board of trustees of the St. Stephens Historical Commission; to provide that the additional members would be appointed by the Washington County Legislative Delegation and at least one of the new appointees shall be African American; and to provide for the terms of the new appointees.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 87; Nays 0.

Yea:

Representatives Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue,

Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Flowers, the Budget Isolation Resolution relating to the bill, H. 98, was adopted.

Yeas 74; Nays 0.

Yea:

Representatives Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 98. Relating to insurance, to provide further for the regulation of insurance: By amending the standard valuation law, set forth in Section 27-36-7, Code of Alabama 1975, which sets forth the minimum requirements for the valuation of the reserves of life insurers so as to make it substantially similar to the latest version of the model standard valuation law as adopted by the National Association of Insurance Commissioners; by requiring every domestic insurer to file a report with the commissioner disclosing material acquisitions and dispositions of assets and material nonrenewals, cancellations, or revisions of ceded reinsurance agreements, not already required to be submitted to the commissioner, for review, approval, or information purposes pursuant to other insurance laws, regulations, or other requirements; and by setting forth a risk-based capital requirement based on the Risk-Based Capital for Insurers Model Act adopted by the National Association of Insurance Commissioners.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yea:

Representatives Allen, Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, White and Willis.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 590. To prohibit the Alabama Alcoholic Beverage Control Board from issuing any form of license in any municipality within Calhoun County for the retail sale of any intoxicating beverage, including, but not limited to, beer and other forms of malt beverages, wine or liquor of any kind or variety without the approval of the governing body of the county or municipality in which the retail sales are sought to be licensed, unless the denial of approval is set aside by the Circuit Court of the county in which the license site is situated as having been arbitrarily or capriciously denied by the governing body; and to provide for court jurisdiction and procedures to review a denial of municipal approval.

TOMMY CARTER
Chairman

And the bill, H. 590, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 233. DESIGNATING THE BRIDGE OVER PIN HOOK CREEK, IN BULLOCK COUNTY, ON HIGHWAY 82, "THE THOMAS GUTHRIE BRIDGE"

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Gaines, the Budget Isolation Resolution relating to the bill, H. 405, was adopted.

Yeas 88; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 405. Relating to Title 7 of the Code of Alabama of 1975, the Uniform Commercial Code, to repeal the current Article 8 and provide for a new Article 8 relating to investment securities and to provide for all of the following: short title

and general matters, issue and issuer, transfer of certificated and uncertificated securities, registration, security entitlements, transition provisions for revised Article 8 and conforming amendments to Articles 1, 5, 9, and 10, the perfection of a security interest in investment property in multiple state transactions and in certain other investment property, security interest arising in purchase or delivery of financial assets, conforming amendments to the Alabama Business Corporation Act and the General Statute of Frauds, and shares without certificates under the Alabama Business Corporation Act; to amend Sections 7-9-103, 7-9-105, 7-9-106, 7-9-203, 7-9-301, 7-9-302, 7-9-304, 7-9-306, 7-9-309, and 7-9-312 of the Code of Alabama 1975; to add Sections 7-9-115 and 7-9-116 to the Code of Alabama of 1975; to amend 7-1-105, 7-1-201, 7-1-206, 7-5-114, 7-10-104, and 8-9-2 of the Code of Alabama of 1975; to amend Act 94-245, 1994 Regular Session, now appearing as Sections 10-2B-6.26 and 10-2B-6.27, Code of Alabama 1975; and to specify a prospective effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 92; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Sanderford, the Budget Isolation Resolution relating to the bill, H. 291, was adopted.

Yeas 91; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 291. To amend Section 16-1-25 of the Code of Alabama 1975, relating to access at school facilities by military recruiting representatives, to further provide that representatives of the United States Armed Services be allowed reasonable access at public institutions of higher education in this state for recruitment purposes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren and Willis.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 291:

Representatives Drake, Hall (L), Hawkins, Hilliard, Laird, Melton, Petelos, Spratt and Thomas (J).

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Gipson, the Budget Isolation Resolution relating to the bill, H. 356, was adopted.

Yeas 82; Nays 0.

Yea:

Representatives Allen, Baker, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-82

And the bill:

H. 356. Providing for distinctive motor vehicle license tags or plates for supporters of Alabama Ducks Unlimited Conservation wetland programs; prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

Yea:

Representatives Allen, Baker, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan,

Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-88

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 356:

Representatives Allen, Burke, Dolbare, Drake, Galliher, Hill, Hilliard, Hinshaw, Hooper, Houston, Johnson (E), Knight (A), Lindsey, McAdory, McDaniel, McMillan, Millican, Minnifield, Moore, Morrison, Murphree, Newton (D), Papucci, Perdue, Rogers (J), Sanderford, Spratt, Starkey, and Willis.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Morrison, the Budget Isolation Resolution relating to the bill, H. 7, was adopted.

Yeas 85; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Robinson, Rogers (J), Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, White and Willis.

-85

And the bill:

H. 7. (With Substitute) (With Amendment): To provide that any person who is permanently disabled and is otherwise qualified for a special fishing or crossbow

hunting license shall not be required to furnish more than the licensed physician's affidavit of permanent disability for the initial issuance of the special fishing or crossbow hunting license.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Agriculture, Forestry and Natural Resources, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 9-11-54, Code of Alabama 1975, relating to fishing licenses for totally disabled persons, so as to provide for the issuance of the licenses on a continuous basis, subject to certain recertification requirements under certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 9-11-54, Code of Alabama 1975, is amended to read as follows:

"§9-11-54.

"(a) Any person who is totally disabled and who has been a bona fide resident of this state for not less than six months next preceding the date of application may, upon the payment of a license fee of \$.25, procure ~~for himself~~ a special ~~annual~~ disabled person's fishing license in the following manner: The applicant shall file with the person, in the county in which he or she resides, who is duly authorized to issue ~~such~~ licenses, an application, stating his or her age, place of residence, post office address, and length of residence in this state. ~~Such~~ The application shall have attached thereto a sworn statement by a licensed physician or chiropractor of this state stating that the applicant is totally disabled.

"(b) The fishing licenses issued pursuant to this section shall be valid on a continuous basis during the period of total disability; provided, however, that any conservation enforcement officer may, upon reasonable belief that the license holder is no longer totally disabled, request the holder to obtain a recertification of disability, which request shall be in writing. Upon the failure of the holder to furnish the recertification of disability within 90 days of receipt of request, the holder's license shall be void and shall be confiscated by the Department of Conservation and Natural Resources, Game and Fish Division.

~~"(b) (c) The issuing officer or authority shall be allowed a fee of \$.25 for each such license issued by him, which issuing fee shall be in addition to the cost of the special license fee. In counties in which the probate judge or issuing officer is on a~~

fee system, the issuing fee shall be retained by the probate judge or issuing officer, and in a county in which the probate judge or issuing officer is on a salary basis, the issuing fee shall be paid into the state county treasury. These licenses shall not be issued by special agents. ~~All license fees collected under this section shall be deposited in the state treasury to the credit of the game and fish fund.~~ The name of the physician certifying to the disability of the licensee shall be written upon the license.

"~~(e)~~ (d) For the purposes of this section, the term "disabled" means inability to engage in any substantial gainful activity by reason of any medically determinable physical impairment which can be expected to result in death or in blindness or to be of long continued and indefinite duration. The term "blindness," as used in this section, means central visual acuity of 5/200 or less in the better eye with the use of a corrective lens. An eye in which the visual field is reduced to five degrees or less concentric contraction shall be considered for the purposes of this section as having a central visual acuity of 5/200 or less. No applicant shall be considered disabled unless he or she furnishes the required medical statement setting out the fact of such disability."

Section 2. This act shall become effective on the first day of the month, 60 days after its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 84; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable, White and Willis.

-84

The question was then on the adoption of the amendment reported by the Standing Committee on Agriculture, Forestry and Natural Resources, said committee amendment being as follows:

Amend H. 7 on Page 2, Line 7, after the words "payment of" by striking the words ~~a license fee of \$.25~~, and inserting in lieu thereof the following: an issuance fee of \$1.00,

Further amend H. 7 on Page 3, Line 4, after the word "allowed" by striking the words ~~a fee of \$.25~~ and inserting in lieu thereof the following: an issuance fee of \$1.00

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 66; Nays 12.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Crigler, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Graham, Hamilton, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Pringle, Rogers (J), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Vance, Venable and Willis.

-66

Nay:

Representatives Carns, Guin, Hall (A), Hawkins, Hooper, Morrow, Page, Payne, Robinson, Rogers (M), Thomas (D) and White.

-12

And the bill:

H. 7. To amend Section 9-11-54, Code of Alabama 1975, relating to fishing licenses for totally disabled persons, so as to provide for the issuance of the licenses on a continuous basis, subject to certain recertification requirements under certain circumstances.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 86; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Cams, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Vance, Venable, White and Willis.

-86

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 7, as amended:

Representatives Allen, Baker, Black (M), Burke, Crigler, Dolbare, Dukes, Galliher, Graham, Guin, Haney, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Murphree, Papucci, Rogers (J), Sanderford, Sims, Smith, Vance, Venable and Willis.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Clouse, the Budget Isolation Resolution relating to the bill, H. 132, was adopted.

Yeas 88; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Cams, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Vance, Venable, White and Willis.

-88

And the bill:

H. 132. To amend Sections 1 and 2 of Act No. 95-771, 1995 Regular Session now appearing as Sections 36-34-1 and 36-34-2, Code of Alabama 1975; and to provide further for the payment of the cost of health insurance for certain persons receiving benefits under the Employees' Retirement System.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-85

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (P), the Budget Isolation Resolution relating to the bill, H. 486, was adopted.

Yeas 82; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Venable, Warren and Willis.

-82

And the bill:

H. 486. To require that any Alabama high school student who successfully completes a state-approved advanced placement course and who earns a certain score on the Educational Testing Service Advanced Placement Examination shall be granted, without further examination, a minimum number of semester or quarter hours of undergraduate credit in such a course at any publicly supported institution of postsecondary or higher education in the State of Alabama in which the student enrolls.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 1.

Yea:

Representatives Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Venable, Warren and Willis.

-82

Nay:

Representative Allen.

- 1

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 486:

Representatives Bandy, Black (M), Burke, Carns, Carothers, Clark (W), Crigler, Curry, Dolbare, Drake, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Haney, Hawkins, Hayden, Hill, Hilliard, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), McAdory, McClammy, McDaniel, Melton, Morrison, Morton, Murphree, Payne, Petelos, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend and Warren.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (A), the Budget Isolation Resolution relating to the bill, H. 490, was adopted.

Yeas 81; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White and Willis.

-81

And the bill:

H. 490. To prohibit the possession, distribution, or use of certain telecommunication devices, plans, or equipment; and to provide criminal penalties and certain civil remedies.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-89

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Carothers, the Budget Isolation Resolution relating to the bill, H. 595, was adopted.

Yeas 86; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-86

And the bill:

H. 595. Relating to certain funds for public safety purposes; to amend Sections 13A-12-294, 32-2-80, 32-2-81, 32-6-5, and 33-5-55 of the Code of Alabama 1975, to clarify ambiguities concerning certain funds for public safety purposes.

was taken up.

AMENDMENT OFFERED

Representative Carothers offered the following amendment #1 to the bill, H. 595:

Amend H. 595 on page 5 by deleting lines 11 through 16 in their entirety and inserting the following in lieu thereof: "state treasurer under this section shall be deposited into the".

Further amend the bill on page 1, line 16 by inserting the following after the period:

"This bill would also provide that all receipts from drivers' licenses, permits and nondriver identification cards shall be deposited to the Department of Public Safety Law Enforcement Fund."

Further amend the bill on page 1, line 26 by inserting after the word "purposes" a semicolon and the following: "and to provide that all receipts from drivers' licenses, permits and nondriver identification cards shall be deposited to the Department of Public Safety Law Enforcement Fund"

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 84; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-84

AMENDMENT OFFERED

Representative Carothers offered the following amendment #2 to the bill, H. 595, as amended:

To amend H. 595 on page 7, line 22 through 24 by deleting Section 2 in its entirety and inserting in lieu thereof the following:

"Section 2. This act shall become effective on October 1, 1996."

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 81; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

-81

And the bill:

H. 595. Relating to certain funds for public safety purposes; to amend Sections 13A-12-294, 32-2-80, 32-2-81, 32-6-5, and 33-5-55 of the Code of Alabama 1975, to clarify ambiguities concerning certain funds for public safety purposes; and to provide that all receipts from drivers' licenses, permits and nondriver identification cards shall be deposited to the Department of Public Safety Law Enforcement Fund.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 78; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Venable, Warren and Willis.

-78

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Knight (A) offered the

motion to reconsider the vote by which the bill, H. 490, was passed, and the motion to reconsider was adopted.

And the bill, H. 490, was again taken up.

AMENDMENT OFFERED

Representative Knight (A) offered the following amendment to the bill, H. 490:

On page 4, line 2, after the word "provider" insert the following: Excluded from being classified as unlawful is a common piece of telephone installation and maintenance equipment known as a dial set or butt-in-ski.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 73; Nays 0.

Yea:

Representatives Bandy, Black (L), Black (M), Box, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Warren, White and Willis.

-73

And the bill:

H. 490. To prohibit the possession, distribution, or use of certain telecommunication devices, plans, or equipment; and to provide criminal penalties and certain civil remedies.

as amended, was again read a third time at length and passed, and ordered engrossed.

Yeas 80; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Turnham, Vance, Venable, Warren, White and Willis.

-80

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Vance intended to vote "Yea" on passage of the bill, H. 595, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Rogers (J), the Budget Isolation Resolution relating to the bill, H. 430, was adopted.

Yeas 84; Nays 0.

Yea:

Representatives Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-84

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 7. To amend Section 9-11-54, Code of Alabama 1975, relating to fishing licenses for totally disabled persons, so as to provide for the issuance of the licenses on a continuous basis, subject to certain recertification requirements under certain circumstances.

TOMMY CARTER
Chairman

And the bill, H. 7, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 375. To amend Section 41-9-335, Code of Alabama 1975; to increase the membership of the board of trustees of the St. Stephens Historical Commission; to provide that the additional members would be appointed by the Washington County Legislative Delegation and at least one of the new appointees shall be African American; and to provide for the terms of the new appointees.

TOMMY CARTER
Chairman

And the bill, H. 375, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 250. To create the Alabama Sickle Cell Oversight and Regulatory Commission; to provide for appointment to the commission; and to provide for the powers and duties of the commission.

TOMMY CARTER
Chairman

And the bill, H. 250, as engrossed, was ordered sent to the Senate.

H. 430 TAKEN UP

And the bill:

H. 430. To amend Sections 11-47-210 to 11-47-219, inclusive, Code of Alabama 1975, which empower municipalities to acquire and manage public parks, playgrounds, and other recreational or athletic facilities and which provide for the formation of authorities to act on behalf of the municipalities in exercising the powers; to provide further for definitions for particular terms relating to certain public corporations and for the types of properties and facilities that are subject to being acquired and managed pursuant to Article 9 of Chapter 47 of Title 11 of the Code of Alabama 1975; to grant to any county the powers granted to municipalities by the article; to provide with more specificity for the procedure to be followed in organizing an authority pursuant to the article; to modify the article respecting the composition of the governing body of the authority and to further define and expand the powers to be enjoyed by the authority; to empower the authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds, and other obligations payable solely out of the revenues, receipts, income, funds, or other sources specified in the proceedings under which the bonds, notes, or other obligations are issued; to authorize the authority to pledge its revenues and mortgage or assign its assets as security for its notes, bonds, or other obligations; to provide for the issuance of refunding bonds, notes, or other obligations by an authority for the purpose of refunding bonds, notes, or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment, or pledge created or made by the authority; to provide that the notes, bonds, and other obligations of the authority shall constitute negotiable instruments; to provide that the notes, bonds, and other obligations of the authority may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the state the property, corporate activities, revenues, and income of the authority, the transactions or actions to which the authority is a party or in which it may be involved, and the notes, bonds, and all other obligations of the authority and the interest on the notes, bonds, and obligations; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to confer upon an authority organized under this act the power of eminent domain; to provide that any county, municipality, or other political subdivision, agency, or

instrumentality of the state or any county or municipality may aid and cooperate with the authority, lend or donate money or perform services for the benefit thereof and, without the necessity of an election, donate, sell, convey, transfer, lease, or grant thereto any property of any kind; to authorize any county or municipality to enter into contracts providing for periodic monetary payments by the county or municipality to the authority, or for its benefit, to serve as a source of payment for notes, bonds, or other obligations of the authority; to specify the extent to which such a contract shall constitute or result in a debt of the county or municipality for purposes of any applicable limitation on indebtedness imposed by the constitution or other laws of the state; to provide that the authority shall be a not-for-profit corporation; to provide that such an authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes, or other obligations by the authority, and to provide that any action or proceeding questioning the validity of the bonds, notes, or other obligations, or instruments securing the same, shall be commenced within 30 days after the first publication of the notice; and to provide that the provisions of this act shall be severable.

was taken up.

SUBSTITUTE OFFERED

Representative Petelos offered the following substitute to the bill, H. 430:

A BILL TO BE ENTITLED AN ACT

To amend Sections 11-47-210 to 11-47-219, inclusive, Code of Alabama 1975, which empower municipalities to acquire and manage public parks, playgrounds, and other recreational or athletic facilities and which provide for the formation of authorities to act on behalf of the municipalities in exercising the powers; to provide further for definitions for particular terms relating to certain public corporations and for the types of properties and facilities that are subject to being acquired and managed pursuant to Article 9 of Chapter 47 of Title 11 of the Code of Alabama 1975; to grant to any county the powers granted to municipalities by the article; to provide with more specificity for the procedure to be followed in organizing an authority pursuant to the article; to modify the article respecting the composition of the governing body of the authority and to further define and expand the powers to be enjoyed by the authority; to empower the authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds, and other obligations payable solely out of the revenues, receipts, income, funds, or other sources specified in the proceedings under which the bonds, notes, or other obligations are issued; to authorize the authority to pledge its revenues and mortgage or assign its assets as security for its notes, bonds, or other obligations; to provide for the issuance of refunding bonds, notes, or other obligations by an authority for the purpose of refunding bonds, notes, or other obligations theretofore issued or assumed by it; to provide a

method for giving constructive notice of any mortgage, security interest, assignment, or pledge created or made by the authority; to provide that the notes, bonds, and other obligations of the authority shall constitute negotiable instruments; to provide that the notes, bonds, and other obligations of the authority may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the state the property, corporate activities, revenues, and income of the authority, the transactions or actions to which the authority is a party or in which it may be involved, and the notes, bonds, and all other obligations of the authority and the interest on the notes, bonds, and obligations; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to provide that any county, municipality, or other political subdivision, agency, or instrumentality of the state or any county or municipality may aid and cooperate with the authority, lend or donate money or perform services for the benefit thereof and, without the necessity of an election, donate, sell, convey, transfer, lease, or grant thereto any property of any kind; to authorize any county or municipality to enter into contracts providing for periodic monetary payments by the county or municipality to the authority, or for its benefit, to serve as a source of payment for notes, bonds, or other obligations of the authority; to specify the extent to which such a contract shall constitute or result in a debt of the county or municipality for purposes of any applicable limitation on indebtedness imposed by the constitution or other laws of the state; to provide that the authority shall be a not-for-profit corporation; to provide that such an authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes, or other obligations by the authority, and to provide that any action or proceeding questioning the validity of the bonds, notes, or other obligations, or instruments securing the same, shall be commenced within 30 days after the first publication of the notice; to provide that revenue obligations issued by any public authority shall not create an obligation or debt of the State of Alabama nor shall any state funds be used to retire the principal and interest of any indebtedness issued pursuant to this act; and to provide that the provisions of this act shall be severable.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature finds and declares all of the following:

(1) Through Article 9 of Chapter 47 of Title 11 of the Code of Alabama 1975, the Legislature has (i) granted to each municipality in the state, acting either individually or in cooperation with one or more other municipalities, the power to acquire, operate, manage, and control parks, playgrounds, and other recreational or athletic facilities and to authorize the organization of an authority, as a public corporation, to act on behalf of the municipality or municipalities in providing for the ownership and management of parks, playgrounds, and other recreational or athletic facilities, (ii) provided for the organization of the authorities, and (iii) specified certain powers to be enjoyed by such an authority.

(2) In order to facilitate the accomplishment of the legislative objectives reflected in the aforementioned Article 9 and to provide for a greater degree of mutual cooperation among separate political subdivisions, it is necessary, appropriate, and desirable to amend Article 9 in order to grant to any county the powers granted to municipalities by the article, to describe in a more comprehensive manner the types of properties and facilities that are subject to being acquired and managed under the article, to provide with more specificity the procedure to be followed in organizing an authority pursuant to the article, to modify certain provisions respecting the composition of the governing body of such an authority and to further define and expand the corporate powers of such an authority.

(3) In addition to an amendment of the existing provisions of Article 9, it is necessary, appropriate, and desirable for the Legislature to provide for the issuance by such an authority of bonds, notes, or other obligations and for the undertaking by such an authority of related contractual commitments and to grant to the authority certain exemptions that are typically granted to Alabama public corporations formed to serve a specified public purpose.

(4) In order to enable such an authority to issue bonds, notes, or other obligations to finance an authorized capital project, it is necessary, appropriate, and desirable (i) to empower any county or municipality which would derive benefits from the project to render financial assistance to the authority and, in particular, to incur a contractual obligation to make periodic payments to, or for the benefit of, the authority in order to provide for the payment of all or a portion of the debt service on the bonds, notes, or other obligations of the authority, and (ii) to specify the extent to which such a financial commitment by a county or municipality is to be regarded as a debt of the county or municipality for purposes of any applicable limitation on indebtedness imposed by the constitution or other laws of the state.

Section 2. Sections 11-47-210 to 11-47-219, inclusive, Code of Alabama 1975, are amended to read as follows:

"§11-47-210.

"When used in this article, unless the context plainly indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"(1) APPLICANT. An individual who files a written application with the governing body of any county or municipality in accordance with Section 11-47-214.

"(2) AUTHORITY. A public body corporation organized as a body corporate and politic in accordance with the provisions of under this article for the purposes, with the powers, and subject to the restrictions set forth in this article.

"(3) AUTHORIZING COUNTY. With respect to an authority, any county which has a governing body that has made findings and determinations of facts pertaining to the organization of the authority in accordance with Section 11-47-214.

"(4) AUTHORIZING MUNICIPALITY. With respect to an authority, any municipality which has a governing body that has made findings and determinations of facts pertaining to the organization of the authority in accordance with Section 11-47-214.

"(5) AUTHORIZING RESOLUTION. A resolution or ordinance adopted by the governing body of any county or municipality in accordance with Section 11-47-214 to authorize the incorporation of an authority.

"(6) AUTHORIZING SUBDIVISION. With respect to an authority, any authorizing county or authorizing municipality.

"(2)(7) BOARD. The board of directors of the authority.

"(8) BONDS. Bonds, notes, or other obligations representing an obligation to pay money.

"(9) COUNTY. Any county in the state.

"(3)(10) DIRECTOR. A member of the board of directors of the authority.

"(4)(11) GOVERNING BODY. The body or board, by whatsoever name it may be known, having charge of the finances of a municipality. With respect to a municipality, its city or town council, board of commissioners, or other comparable governing body exercising the legislative functions of a municipality and with respect to a county, its county commission or other comparable governing body exercising the legislative functions of a county.

"(12) INCORPORATORS. The individuals forming a public corporation pursuant to this article.

"(13) INDENTURE. A mortgage, mortgage indenture, mortgage and trust indenture, or trust indenture executed by an authority as security for any of its bonds.

"(5)(14) MUNICIPALITY. Any city or town incorporated under the laws of the State of Alabama.

"(15) PERSON. The state, a municipality, a county, any political subdivision or agency of the state or any county or municipality, a public corporation, or any private corporation, individual, partnership, trust, or foundation.

"(16) PROJECT. Any land and interest therein, including forests, rivers, streams, waterways, and lakes, and any buildings or other improvements thereon, and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, which shall be suitable for a public park, including, without limitation, any park that constitutes or includes a water theme park, an amusement park or any comparable entertainment facility, a playground or other recreational or athletic facility, and all buildings, facilities and improvements incident thereto or useful in connection therewith, including, without limitation, picnic areas, campsites, trailer sites, cabins, lodges, roads and trails for hiking, bicycling, or horseback riding, nature trails, botanical gardens, zoos, museums, athletic fields, golf courses, tennis, handball and badminton courts, public restroom facilities, boats, rides, amusement facilities, bowling alleys, skeet, trap, rifle, and archery ranges, gymnasiums, swimming pools, bathhouses, beaches, docks and marinas, boating facilities, areas and facilities for fishing and hunting, areas and facilities for aquatic entertainment and sports, stadiums, coliseums, arenas, grandstands, auditoriums, meeting halls, pavilions, centers for cultural entertainment, music, drama, exhibitions and exhibits, amphitheaters, administrative or office buildings, motels, hotels, restaurants, coffee shops, stores to provide groceries, drugs, and other items, and sports, gift, and souvenir shops.

"(17) STATE. The State of Alabama.

"(18) SUBDIVISION. Any county or municipality.

"§11-47-211.

"Each subdivision incorporated municipality in the State of Alabama may, in such the manner as may be authorized or provided by law for the acquisition of lands, buildings, facilities and improvements for public purposes, acquire or lease lands, buildings, facilities and improvements situated in whole or in part inside or outside the corporate limits of such the subdivision municipality for one or more projects parks, park areas, playgrounds, recreational or athletic centers, stadiums and other recreational or athletic purposes and activities; provided, however, that no project acquired by a municipality such park, playground or recreational or athletic area or facility shall be located in whole or in part within the corporate limits or the police jurisdiction of another municipality or within a county other than the county where its primary site of government is located unless the governing body of such the other municipality or county has first adopted a resolution consenting to the location therein of the project such park, playground or recreational or athletic area or facility; provided further, that no project acquired by a county such park, playground or recreational or athletic area or facility shall be located in whole or in part in a different county other than that in which the municipality establishing the same shall be situated unless the governing body of the other county county commission has first adopted a resolution consenting to the location therein of the project such park, playground or recreational or athletic area or facility.

"§11-47-212.

"All authority heretofore or hereafter granted to a subdivision municipalities to acquire, provide, establish, finance, (including the issuance of bonds, warrants, or other obligations to pay the cost thereof), own, use, operate, manage, and control, (including the fixing of fees and the charging for access to and the use and enjoyment thereof and the making of rules and regulations with respect thereto), projects parks, playgrounds and recreational or athletic areas or facilities situated within its the corporate limits, in the case of a municipality, or within its boundaries, in the case of a county, shall be applicable to and may be exercised by the subdivision a municipality with respect to any project park, playground or recreational or athletic areas or facility situated in whole or in part outside its corporate limits or its boundaries, as the case may be.

"§11-47-213.

"A municipality subdivision may join and cooperate with one or more other subdivisions municipalities in acquiring, providing, establishing, financing, refinancing, operating, managing, and controlling and conducting projects parks, playgrounds and recreational or athletic areas or facilities, making them common to the use of the subdivisions such municipalities and the inhabitants thereof, and in fixing and charging fees and in making rules and regulations for the conduct, management, and use thereof.

"All subdivisions municipalities so joining or cooperating shall jointly have the same powers and authority conferred on each by this article.

"§11-47-214.

"(a) The governing bodies of two or more subdivisions municipalities may authorize the organization of an authority as a public corporation with powers set forth in this article for the purpose of acquiring, financing, refinancing, providing, establishing, installing, using, or managing one or more projects parks, playgrounds and recreational or athletic areas, making the same unto the use of such municipalities or in fixing and charging fees and in making rules and regulations for the conduct, management and use thereof.

"(b) To organize such a corporation, not less than three natural persons shall file with the governing body of any subdivision each municipality or any two or more thereof, an application in writing for permission to incorporate a public corporation under the provisions of this article, which application shall:

"(1) Recite the name of each county and municipality with the governing body of the county or municipality with which the application is filed.

"(2) Contain a statement that the applicants propose to incorporate an authority pursuant to this article.

"(3) State the proposed location of the principal office of the authority.

"(4) State that each of the applicants is a duly qualified elector of at least one authorizing subdivision.

"(5) Request that the governing body of the authorizing subdivision adopt a resolution declaring that it is wise, expedient, and necessary that the proposed authority be formed, its certificate of incorporation is approved, and authorizing the applicants to proceed to form the proposed authority by the filing for record of a certificate of incorporation in accordance with Section 11-47-215. The application shall be accompanied by the form of certificate of incorporation of the proposed authority and by other supporting documents or evidence which the applicants may consider appropriate.

"(c) As soon as practicable after receiving an application filed with it in accordance with this section, the governing body of each authorizing subdivision shall review the contents of the application and the accompanying form of the certificate of incorporation and shall adopt a resolution either denying the application or declaring that it is wise, expedient, and necessary that the proposed authority be formed, approving the form of its certificate of incorporation, and authorizing the applicants to proceed to form the proposed authority by the filing for record of a certificate of incorporation in accordance with Section 11-47-215. The resolution shall be published once a week for two consecutive weeks in a newspaper of general circulation in the subdivision approving the resolution. Each governing body with which the application is filed shall cause a copy of the application to be spread upon the minutes of the meeting of the governing body at which final action upon the application is taken. and shall attach to such application a proposed form of a certificate of incorporation of such corporation. If each governing body with which the application is filed shall adopt a resolution, which need not be published or posted, approving the form of such certificate of incorporation in authorizing the formation of such a public corporation, then said applicant shall become the incorporators of and shall proceed to incorporate the authority as a public corporation in the manner provided in this article, using for that purpose the form of certificate so approved.

"§11-47-215.

"The certificate of incorporation of the authority shall state:

"(1) The names of the persons forming the authority, together with the residence of each thereof; person, and that each of them is a duly qualified elector of at least one of the subdivisions.

"(2) The name of the authority, which may be a name indicating in a general way the area proposed to be served by the authority and shall include the words "Public Park Authority" (e.g., "The _____ Public Park Authority," or "The Public Park Authority of _____," the blank spaces to be filled in with the name of one or more of the authorizing subdivisions or other geographically

descriptive word or words, the descriptive word or words shall not, however, preclude the authority from locating facilities or otherwise exercising its powers in other geographical areas), unless the Secretary of State shall determine that the name is identical to the name of any other corporation organized under the laws of the state or so nearly similar thereto as to lead to confusion and uncertainty, in which case, the incorporators may insert additional identifying words so as to eliminate the possibility of duplication or similarity;.

"(3) The period for the duration of the authority (if the duration is to be perpetual, ~~that~~ the fact should be so stated);.

"(4) The ~~names~~ name of each the authorizing ~~subdivision~~ municipalities, together with the date on which the governing ~~body~~ bodies thereof adopted ~~an authorizing a resolution authorizing the incorporation of the authority;.~~

"(5) The proposed location of the principal office of the authority, which shall be within the boundaries of one of the authorizing ~~subdivisions~~ municipalities;.

"(6) That the authority is organized pursuant to the provisions of this article.

"(7) If the exercise by the authority of any of its powers hereunder is to be in any way prohibited, limited, or conditioned and a statement of the terms of the prohibition, limitation, or condition.

"(8) The number of members of the board of directors of the authority, which shall be an odd number not less than three, the duration of their respective terms of office, which shall not be in excess of six years, and the manner of their election or appointment.

"(9) Any provisions, not inconsistent with this article, which relate to the vesting of title to its properties upon its dissolution.

"(6))(10) A statement as to whether employees of the authority shall or shall not be subject to civil service laws, retirement laws and disability laws applicable to employees of one of the authorizing ~~subdivisions~~ municipalities which ~~then~~ may be ~~then~~ in effect or may thereafter be ~~thereinafter~~ enacted; and.

"(7)(11) Any other matters relating to the authority that the incorporators may choose to insert and that are not inconsistent with this article or with the laws of the state.

"§11-47-216.

"(a) Within 40 days following the adoption of the most recent authorizing resolution, the applicants shall proceed to incorporate an authority by filing for record in the office of the judge of probate of the county in which the principal office of the authority is to be located a certificate of incorporation which shall comply in form and substance with the requirements of this article and which shall

be in the form and executed in the manner provided in this article and shall also be in the form theretofore approved by the governing body of each authorizing subdivision.

"(b) The certificate of incorporation of the authority shall be signed and acknowledged by the incorporators before an officer authorized by the laws of the state to take acknowledgment to deeds. When the certificate of incorporation is filed for recordation, there shall be ~~and shall have~~ attached thereto a certified copy of the authorizing resolution adopted by the governing body of each authorizing subdivision provided for in Section 11-47-214 and a certificate by the Secretary of State that the name proposed for the authority is not identical to that of any other corporation organized under the laws of the state or so nearly similar thereto as to lead to confusion and uncertainty.

"(c) The certificate of incorporation of the authority, together with the documents required by subsection (b) ~~the preceding sentence~~ shall be attached thereto, ~~shall be and~~ filed for record in the office of the judge of probate of the county in which the principal office of the authority shall be located. The judge of probate shall forthwith receive and record the same. When such a certificate of incorporation and attached documents have been so filed, the authority referred to therein shall come into existence and shall constitute a public corporation under the name set forth in ~~such~~ the certificate of incorporation, whereupon the authority shall be vested with the rights and powers granted in this article.

"(d) The certificate of incorporation of an authority incorporated under this article at any time may be amended in the manner provided in this section. The board shall first adopt a resolution proposing an amendment to the certificate of incorporation, which amendment shall be set forth in full in the resolution and which amendment may include any matters which might have been included in the original certificate of incorporation. After the board adopts the resolution proposing an amendment to the certificate of incorporation of the authority, the chair of the board and the secretary of the authority shall sign and file a written application in the name of and on behalf of the authority, under its seal, with the governing body of each authorizing subdivision, requesting the governing body to adopt a resolution approving the proposed amendment, and the application shall be accompanied by a certified copy of the resolution adopted by the board proposing the amendment to the certificate of incorporation, together with any documents in support of the application which the chair may consider appropriate. As soon as practicable after the application is filed with the governing body of an authorizing subdivision pursuant to the foregoing provisions of this section, the governing body shall review the application and adopt a resolution either denying the application or authorizing the proposed amendment. The governing body of the authorizing subdivision with which the application is filed shall publish the resolution once a week for two consecutive weeks in a newspaper of general circulation in the subdivision and shall cause a copy of the application and all accompanying documents to be spread upon the minutes of the meeting of the governing body at which the final action upon the application is taken. The certificate of incorporation of an authority may be amended only after the filing of

an application therefor and the adoption by the governing body of each authorizing subdivision of an approving resolution.

"(e) Within 40 days following the adoption by the governing body of the authorizing subdivision of the most recent resolution approving the proposed amendment, the chair of the board of the authority and the secretary of the authority shall sign and file for record in the office of the judge of probate with which the certificate of incorporation of the authority was originally filed a certificate in the name of and on behalf of the authority, under its seal, reciting the adoption of the respective resolutions by the board and by the governing body of each authorizing subdivision and setting forth the proposed amendment. The judge of probate for the county shall thereupon record the certificate in an appropriate book in his or her office. When the certificate has been filed and recorded, the amendment shall become effective, and the certificate of incorporation shall thereupon be amended to the extent provided in the amendment. No certificate of incorporation of an authority shall be amended except in the manner provided in this section.

"§11-47-217.

"(a) Each authority shall have a board of directors composed of the number of directors provided in the certificate of incorporation, as most recently amended. Unless provided to the contrary in its certificate of incorporation, all powers of the authority shall be exercised, and the authority shall be governed by the board or pursuant to its authorization. Subject to the provisions of subdivision (8) of Section 11-47-215, the board shall consist of directors who have the qualifications and are elected or appointed for certain terms of office as shall be specified in the certificate of incorporation of the authority. Notwithstanding the foregoing, if the original directors are appointed by the incorporators, the original directors shall be identified in the proposed form of the certificate of incorporation submitted to the governing body of each of the authorizing subdivisions together with the application for authority to incorporate.

"(b) Upon the expiration of any term of office of any director, if a successor thereto has not been elected or appointed, then the director whose term of office has expired shall continue to hold office until his or her successor is elected or appointed. If at any time there should be a vacancy on the board, whether by death, resignation, incapacity, disqualification, or otherwise, a successor director to serve for the unexpired term applicable to the vacancy shall be elected or appointed by the person or persons who elected or appointed the predecessor director, unless the predecessor director was appointed by the incorporators, in which case the successor thereto shall be appointed by the remaining members of the board who continue to serve as directors following the event that resulted in the vacancy. Each election or appointment of a director, whether for a full term or to complete an unexpired term, shall be made not earlier than 30 days prior to the date on which the director is to take office. Any director, irrespective of by whom elected or appointed, shall be eligible for reelection or reappointment.

"(c) Each director shall serve without compensation but shall be reimbursed for expenses actually incurred in the performance of his or her duties. A majority of the directors shall constitute a quorum for the transaction of business, but any meeting of the board may be adjourned by a majority of the directors present or may be so adjourned by a single director if the director is the only director present at the meeting. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and perform all the duties of the board. The board shall hold regular meetings at such times as may be provided in the bylaws of the authority, may hold other meetings at any time upon notice of the meeting being given as required by the bylaws of the authority, and shall, upon call of the chair of the authority or a majority of the total number of directors, hold a special meeting. Whenever any notice is required by the bylaws of the authority to be given of any meeting of the board, a waiver thereof in writing, signed either before or after the meeting by the person or persons entitled to the notice, shall be the equivalent of giving the notice. Any matter on which the board is authorized to act may be acted upon at any regular, special, or called meeting. At the request of any director, the vote on any question before the board shall be taken by yeas and nays and entered upon the record. All resolutions adopted by the board shall constitute actions of the authority, and all proceedings of the board shall be reduced to writing and signed by the secretary of the authority and shall be recorded in a well-bound book. Copies of the proceedings, when certified by the secretary of the authority, under the seal of the authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

~~"Each authority shall be governed by a board of directors which shall consist of five or more members, all but one of whom shall be appointed by the governing bodies of the municipalities and shall be residents of the municipalities they represent. Each participating municipality shall be entitled to appoint at least two members on the board. The members appointed by the governing bodies of the municipalities shall then select one additional member. The board shall then elect a chairman from its membership. No officer of the state or any county, city or town therein shall, while holding such office, be eligible to serve as a director.~~

~~"The term of office of each director shall be for no more than four years. If any director resigns, dies or becomes incapable or ineligible to act as a director, a successor to serve the unexpired portion of his term shall be appointed in the manner prescribed in this section. The director shall be eligible for reappointment.~~

~~"A majority of the members of the board of directors shall constitute a quorum for the transaction of business, but any meeting of such board may be adjourned from time to time by a majority of the directors present or may be so adjourned by a single director if such director is the only director present at such meeting. No vacancy in the membership of the board of directors shall impair the right of a quorum to exercise all powers and duties of the authority.~~

~~"The board of directors shall hold regular meetings as may be provided in the bylaws of the authority, and the board may hold other meetings at any time and from time to time; provided, that upon the call of the chairman of the authority~~

~~or any two directors, a special meeting of the board must be held. Any matter on which the board of directors is authorized to act may be acted upon at any regular, special or called meeting.~~

~~"All proceedings of the board shall be reduced to writing by the secretary of the authority and recorded in a well-bound book and open to each director and to the public at all times.~~

~~"Each director shall be reimbursed for expenses actually incurred by him in and about the performance of his duties. If the certificate of incorporation so provides, each director may also be compensated by the authority.~~

~~"(d) Any director of the authority may be impeached or removed from office in the same manner and on the same grounds provided by Section 175 of the Constitution of Alabama of 1901 and the general laws of the state for impeachment or removal of officers.~~

"(e) The officers of an authority shall consist of a chair, a vice-chair, a secretary, a treasurer, and other officers the board deems to be necessary or desirable. The chair and the vice-chair of the authority shall be elected by the board from its membership, but neither the secretary, the treasurer, nor any of the other officers of the authority shall be a director. The offices of secretary and treasurer may, but need not, be held by the same person. The chair and the vice-chair of the authority shall be elected by the board for terms which do not exceed three years, and the secretary, the treasurer, and the other officers of the authority shall be elected by the board for such terms as it deems advisable. The duties of the chair, vice-chair, secretary, and treasurer shall be those which are customarily performed by officers and as may be prescribed by the board. The duties of any other officers of the authority shall be such as are from time to time prescribed by the board.

"§11-47-218.

"(a) In addition to all other powers at any time conferred on it by law, and subject to any express provisions of its certificate of incorporation to the contrary, an The authority shall have the following lawful powers, together with all powers incidental thereto or necessary to discharge thereof in the corporate form:

"(1) To have succession by its corporate name in perpetuity or for the duration (which may be in perpetuity) specified in its certificate of incorporation;_

"(2) To sue and be sued in its own name in civil actions and to defend actions against it;_

"(3) To adopt and make use of a corporate seal and to alter the same at pleasure;_

"(4) To adopt, and alter, and repeal bylaws, regulations, and rules, not inconsistent with this article or its certificate of incorporation, for the regulation and conduct of the affairs and business of the authority;

"(5) To acquire, receive, take and hold, whether by purchase, gift, lease, devise or otherwise, property of every description, whether real, personal or mixed, and to manage ~~said the~~ property and to develop any undeveloped property owned, leased, or controlled by it;

"(6) To borrow money and to sell and issue bonds for any corporate use or purposes. ~~To execute such contracts and other instruments and to take such other action as may be necessary or convenient to carry out the purposes of this article or the exercise of any powers granted under this article;~~

"(7) To acquire, whether by gift, purchase, transfer, foreclosure, lease, or otherwise, to construct and to expand, improve, operate, maintain, equip, and furnish one or more projects, including all real and personal properties that its board may deem necessary in connection therewith. ~~To acquire, finance, refinance, provide, establish, install and manage parks, playgrounds and recreational or athletic areas;~~

"(8) To lease to any person or persons all or any part of any project or projects that are or shall be owned by it, to charge and collect rent therefor and to terminate the lease upon the failure of the lessee to comply with any of the obligations thereof, all upon the terms and conditions as its board may deem advisable. ~~To fix and charge fees and to make rules and regulations for the conduct, management and use of parks, playgrounds, recreational or athletic areas or facilities;~~

"(9) To pledge for payment of any bonds issued or assumed by the authority any revenues, including any moneys payable by a subdivision to, or for the benefit of, the authority for such purpose, from which the bonds are payable, and to mortgage or pledge any or all of its projects and revenues or any part or parts thereof, whether then owned or received or thereafter acquired or received. ~~To make and enter into contracts, leases and agreements incidental to or necessary for the accomplishment of any purpose or purposes for which the authority was organized;~~

"(10) To assume obligations secured by a lien on or secured by and payable out of or secured by a pledge of any project or projects or part thereof or the revenues derived from any project or projects that may be acquired by the authority. ~~To appoint, employ, contract with and provide for compensation of such officers, employees and agents, including engineers, attorneys, consultants, physical advisors and other employees, as the business of authority may require, including the power to fix working conditions and other conditions of employment by general rule, subject to the provisions of the certificate of such authority, and the power at its option to provide a system of disability pay, retirement, compensation and pensions or any of them and to hire and fire servants, agents, employees and officers at will;~~

"(11) To make, enter into, and execute contracts, agreements, leases, and other instruments, and to take such other actions as may be necessary or convenient to accomplish any purpose for which the authority was organized or to exercise any power expressly granted under this article. To cooperate with the state, any county, city, town, public corporation, agency, department or political subdivision of the state, and to make such contracts with them or any of them as the board may deem advisable to accomplish the purposes for which the authority was established;

"(12) To enter into contracts with, to accept aid, loans, and grants from, to cooperate with, and to do any and all things not specifically prohibited by this article or other applicable laws of the state which may be necessary in order to avail itself of the aid and cooperation of the United States of America, the state, or any agency, instrumentality, or political subdivision of either thereof in furtherance of the purposes of this article. To sell and convey any of its properties that may have become obsolete or worn out or that may no longer be needed or useful, subject to the approval of the governing bodies of the authorizing municipalities; and

"(13) To receive and accept from any source aid or contributions in the form of money, property, labor, or other things of value, to be held, used, and applied to carry out the purposes of this article, subject to any lawful condition upon which the aid or contributions may be given or made. To purchase equipment and supplies necessary or convenient for the exercise of any power of the authority.

"(14) To enter into a management contract or contracts with any municipality, any county, or any person or persons for the management, supervision, or operation of all or any part of its projects as may in the judgment of the authority be necessary or desirable in order to perform more efficiently or economically and function for which it may become responsible in the exercise of the powers conferred upon it by this article.

"(15) To procure insurance against any loss in connection with its property and other assets in the amounts and from the insurers as its board may deem desirable.

"(16) To invest its moneys, including, without limitation, the moneys held in any special fund created pursuant to any indenture securing any of its bonds and proceeds from the sale of any bonds, not required for immediate use in:

"a. Any debt securities that are direct, general obligations of the United States of America.

"b. Any debt securities, the payment of the principal of and interest on which is unconditionally guaranteed by the United States of America.

"c. Any time deposit with, or any certificate of deposit issued by, any bank which is organized under the laws of the United States of America or any state

thereof and deposits in which are insured by the Federal Deposit Insurance Corporation or any department, agency, or instrumentality of the United States of America that may succeed to the functions of the corporation.

"d. Any debt obligation in which an insurance company organized under the laws of the state may legally invest its money at the time of investment by the authority.

"(17) To procure or agree to the procurement of insurance or guarantees from the United States of America or any agency or instrumentality thereof, or from any private insurance company, of the payment of any bonds issued by the authority, and to pay premiums or fees for the insurance or guarantees.

"(18) To fix and charge fees and to make rules and regulations for the conduct, management, and use of projects.

"(19) To appoint, employ, contract with, and provide for compensation of the officers, employees, and agents, including engineers, attorneys, consultants, financial advisors, and other employees, as the business of the authority may require, including the power to fix working conditions and other conditions of employment by general rule, subject to the provisions of the certificate of incorporation of the authority, and the power at its option to provide a system of disability pay, retirement, compensation, and pensions or any of them and to hire and fire servants, agents, employees, and officers at will.

"(20) To sell and convey any of its properties that, in the judgment of the board, have become obsolete or worn out or that may no longer be needed or useful.

"(21) To participate as a shareholder in a corporation, as a joint venturer in a joint venture, as a general or limited partner in a limited partnership or a general partnership, as a member in a nonprofit corporation, or as a member of any other lawful form of business organization.

"(22) To elect (i) all or any of the members of the board of directors of any nonprofit corporation of which the authority is a member or of which any one or more of the members of the board of directors of the authority is an ex officio member (subject, however, to any contrary or inconsistent provision of the articles of incorporation or bylaws of the nonprofit corporation), and (ii) all or any of the members of the board of directors of any nonprofit corporation that has no members and whose articles of incorporation or bylaws provide for the election of one or more of the members of its board of directors from among members of the board of directors of the authority (subject, however, to any contrary or inconsistent provision of the articles of incorporation or bylaws of the nonprofit corporation).

"(23) To create, establish, acquire, operate, or support subsidiaries and affiliates, either for profit or nonprofit, to assist the authority in fulfilling its purposes.

"(24) To create, establish, or support nonaffiliated for profit or nonprofit corporations or other lawful business organizations which operate and have as their purpose the furtherance of the purposes of the authority.

"(25) Without limiting the generality of the preceding subdivisions (23) and (24), to accomplish and facilitate the creation, establishment, acquisition, operation, or support of the subsidiary, affiliate, nonaffiliated corporation, or other lawful business organization, by means of loans of funds, leases of real or personal property, gifts and grants of funds, or guarantees of indebtedness of the subsidiaries, affiliates, and nonaffiliated corporations.

"(26) To do any and all things necessary or convenient to carry out its purposes and to exercise its powers pursuant to this article.

"(b) Any project or projects of an authority organized pursuant to authorization from an authorizing municipality may be located within or without or partially within and partially without the authorizing municipality, subject to the following conditions: Nothing in this section shall be construed to authorize the acquisition by eminent domain of any real property or rights owned or held by railroads or utilities, both public or private.

"(1) No project or part thereof shall be located more than 30 miles from the corporate limits of the authorizing municipality.

"(2) No project or part thereof shall be located within the corporate limits of a municipality other than the authorizing municipality in this state.

"(3) No project or part thereof shall be located within the police jurisdiction of another municipality in this state unless the governing body of the municipality has first adopted a resolution consenting to the location of the project or part thereof in the police jurisdiction of the municipality.

"(4) No project or part thereof shall be located in a county other than the county in which the principal place and seat of government and at least a portion of the authorizing municipality are situated unless the governing body of the other county has first adopted a resolution consenting to the location of the project or part thereof in the county.

"(5) Any project or part thereof that is located outside of the authorizing municipality shall comply with all zoning laws, subdivision restrictions and regulations, and all other laws and regulations of any county or municipality in which the project or a part thereof is situated.

"(c) Any project or projects of an authority organized pursuant to authorization from an authorizing county may be located within or without or partially within and partially without the authorizing county, subject to the following conditions:

"(1) No part of a project shall be located more than three miles outside the boundaries of the authorizing county.

"(2) In no event shall any project or part thereof be located within the corporate limits of a municipality unless the governing body of the municipality has first adopted a resolution consenting to the location of the project or part thereof in the municipality.

"(3) No project or part thereof shall be located in a county other than the authorizing county unless the governing body of the other county has first adopted a resolution consenting to the location of a part of the project in the other county.

"(d) Any project or projects of an authority jointly organized pursuant to authorization from two or more subdivisions may be located within or without or partially within and partially without the respective authorizing subdivisions, subject to the following conditions:

"(1) No project or part thereof shall be located in a county other than (i) the county in which any authorizing municipality is situated and has its principal place and seat of government, or (ii) a county that is also an authorizing subdivision unless the governing body of the other county has first adopted a resolution consenting to the location of the project or part thereof in the county.

"(2) No project or part thereof shall be located within the corporate limits of a municipality other than an authorizing municipality unless the governing body of the municipality has first adopted a resolution consenting to the location of the project or part thereof in the municipality.

"§11-47-219.

"At any time when an authority has no bonds or other obligations outstanding, its board may adopt a resolution, which shall be duly entered upon its minutes, declaring that the authority shall be dissolved. Upon filing for record of a certified copy of the resolution in the office of the judge of probate with which the authority's certificate of incorporation is filed, the authority shall thereupon stand dissolved and in the event it owned any property at the time of its dissolution, the title to all its properties shall, subject to any constitutional provision or inhibitions to the contrary, thereupon vest in one or more counties or municipalities in the manner and interests as may be provided in the certificate of incorporation. Notwithstanding the foregoing, if the certificate of incorporation contains no provision respecting the vesting of title to the properties of the authority, title to all of the properties shall, subject to any constitutional provision or inhibitions to the contrary, thereupon vest in its authorizing subdivision, or if the authority has more than one authorizing subdivision, in its authorizing subdivisions as tenants in common. At any time the authority may be dissolved upon the filing, with the probate judge in the county in which it filed its certificate of incorporation, of an application for dissolution, which shall be subscribed by each of the members of the board and sworn to by each member before an officer authorized to take

~~acknowledgment to deeds. Upon filing such application for dissolution, the authority shall cease to exist. Said probate judge shall receive and record the application for dissolution in the appropriate book of record in his office. Upon dissolution, all rights, titles and interests of the authority in property shall be vested in the authorizing municipalities."~~

Section 3. Bonds of an authority may be executed and delivered by it at any time, shall be in the form and denominations and of the tenor and maturity or maturities not exceeding 30 years from their date, shall bear the rate or rates of interest, which may be fixed or which may float or vary based on some index or other standard deemed appropriate by the board or pursuant to periodic determinations made by an agent of the authority, shall be payable and evidenced in the manner, may contain provisions for redemption prior to maturity, and may contain other provisions not inconsistent with the provisions of this act, all as may be provided by the resolution of the board authorizing the bonds or by the indenture whereunder the bonds are authorized to be issued. A bond of any authority having a specified maturity date more than 10 years after its date shall be made subject to redemption at the option of the authority at the end of the tenth year after its date, and on any interest payment date thereafter, under such terms and conditions and at such premiums, if any, as may be provided in the resolution under which the bond is authorized to be issued. Any borrowing may be effected by the issuance and sale of bonds at either public or private sale in the manner, at the price or prices, at the time or times and on the other terms and conditions as may be determined by the board to be most advantageous to the authority.

Section 4. (a) An authority may at any time and from time to time sell and issue its refunding bonds for the purpose of refunding the principal of and interest on any then outstanding bonds of the authority, whether or not the bonds shall have matured or be redeemable at the option of the authority at the time of the refunding, and for the payment of any expenses incurred in connection with the refunding and any premium or other sum necessary to be paid to redeem or retire the bonds to be refunded. No refunding bonds shall be issued unless the present value of all debt service on the refunding bonds (computed with a discount rate equal to the true interest rate of the refunding bonds and taking into account all underwriting discount and other issuance expenses) shall not be greater than 95 percent of the present value of all debt service on the bonds to be refunded (computed using the same discount rate and taking into account the underwriting discount and other issuance expenses originally applicable to such bonds) determined as if such bonds to be refunded were paid and retired in accordance with the schedule of maturities (considering mandatory redemption as a scheduled maturity) provided at the time of their issuance. Provided further that the average maturity of the refunding bonds, as measured from the date of issuance of such refunding bonds, shall not exceed by more than three years the average maturity of the bonds to be refunded, as also measured from such date of issuance, with the average maturity of any principal amount of bonds to be determined by multiplying the principal of each maturity by the number of years (including any fractional part of a year) intervening between such date of issuance and each such maturity, taking the sum of all such products, and then dividing such sum by

the aggregate principal amount of bonds for which the average maturity is to be determined. Such refunding bonds shall be subrogated and entitled to all priorities, rights and pledges to which the bonds refunded thereby were entitled. Notwithstanding the foregoing, the principal amount of bonds that the authority may at any time issue for refunding purposes shall not exceed the sum of the following:

(1) The outstanding principal or face amount of the bonds refunded thereby.

(2) The unpaid interest accrued or to accrue thereon to their respective maturities or, in the event the bonds to be refunded, or any part thereof, are to be retired prior to their respective maturities, the interest accrued or to accrue thereon to the date or dates on which they are to be retired.

(3) Any premium or other sum necessary to be paid in order to redeem or retire the bonds to be refunded, but only if the bonds are in fact to be redeemed or retired prior to their respective maturities.

(4) The expenses estimated to be incurred in connection with the refunding. The authority may also sell and issue its bonds at any time for the combined purpose of refunding any of its bonds and of obtaining funds for any other purposes for which it is authorized by this act to sell and issue bonds, in which event the provisions of this act relating to refunding bonds shall apply only to those bonds issued for refunding purposes.

(b) The principal proceeds derived by the authority from the sale of any refunding bonds shall be used only for the payment of the principal, interest, and premium, if any, on the bonds being refunded and for payment of the expenses referred to in the preceding subdivision (4) of subsection (a) of this section. Notwithstanding the foregoing, if in the judgment of the board the action is necessary or desirable to effect an advantageous refunding, a portion of the proceeds may be used for payment of principal of and interest on the refunding bonds themselves and the remainder of the proceeds for payment of the bonds being refunded and for the aforementioned expenses.

(c) The refunding may be effected either by sale of refunding bonds and the application of the proceeds thereof as provided in subsection (b) of this section, or by exchange of the refunding bonds for the bonds to be refunded thereby, or by any combination thereof. Notwithstanding the foregoing, the holders of any bonds to be refunded shall not be compelled without their consent to surrender their bonds for payment or exchange prior to the date on which they may be paid or redeemed by call of the authority under their respective provisions. All provisions of this act pertaining to bonds of the authority that are not inconsistent with this section shall, to the extent applicable, also apply to refunding bonds issued by the authority and to bonds issued by the authority for both refunding and other purposes.

Section 5. All bonds of an authority shall be signed in the name and behalf of the authority by its chair or vice-chair, and the seal of the authority shall be affixed thereto and attested by its secretary or an assistant secretary. Notwithstanding the foregoing, facsimiles of the signatures of the officers may be imprinted or otherwise reproduced on any of the bonds in lieu of the officers manually signing the same so long as the related indenture or other authorizing proceedings provide for the manual authentication of the bonds by a trustee or paying agent, and provided further that a facsimile of the seal of the authority may be imprinted, or otherwise reproduced, on any of the bonds in lieu of being manually affixed thereto. If, after any of the bonds are so signed, whether manually or by facsimile, any officer shall, for any reason, vacate his or her office, the bonds so signed may nevertheless be delivered at any time thereafter as the act and deed of the authority.

Section 6. (a) Any bonds issued by an authority shall be revenue bonds and shall be payable solely out of the revenues of the authority as may be designated in the proceedings of the board under which the bonds are authorized to be issued.

(b) As security for payment of the principal of and interest on any bonds issued or assumed by it, an authority may enter into a contract or contracts, and adopt resolutions or other proceedings containing provisions constituting a part of the contract or contracts with the holders of the bonds, pertaining to, among other things, the following:

(1) Pledging all or any part of the revenues of the authority to secure the payment of the bonds.

(2) Pledging, assigning, or mortgaging all or any part of the assets of the authority to secure the payment of the bonds.

(3) The creation of reserve, sinking, or other funds and the regulation and disposition thereof.

(4) The issuance of additional parity bonds.

(5) The procedure, if any, by which the terms of any contract with the holders of the bonds may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which the consent may be given.

(6) Limitations on the amount of moneys to be expended by the authority for its operating expenses.

(7) Vesting in a trustee or trustees the property, rights, powers, and duties as the authority may determine.

(8) Defining the acts or omissions to act that shall constitute a default in the performance of the obligations and duties of the authority to the holders of the bonds and providing for the rights and remedies of the holders in the event of the default. Notwithstanding the foregoing, the rights and remedies shall not be inconsistent with the general laws of the state and the other provisions of this act.

(9) Any other matters, of like or different character, which in any way affect the security or protection of the holders of the bonds.

(c) Any mortgage of property granted by an authority, any security interest in property created by it, or any assignment or pledge of revenues or contract rights made by it, in each case to secure the payment of its bonds, shall be valid and binding from the time when the mortgage is granted, the security interest created, or the assignment or pledge is made, as the case may be, and the property so mortgaged, the property with respect to which the security interest is so created, and the revenues and contract rights so assigned or pledged shall immediately, or as soon thereafter as the authority obtains any right thereto or interest therein, be subject to the mortgage, security interest, assignment, or pledge, as the case may be, without physical delivery of any property, revenues, or contract documents covered thereby or any further act, and the lien of such a mortgage, security interest, assignment, or pledge shall be valid and binding against all persons having claims of any kind in tort, contract, or otherwise against the authority, irrespective of whether the persons have actual notice thereof, from the time notice of the mortgage, security interest, assignment, or pledge is filed for record (1) in the office of the judge of probate in which the certificate of incorporation of the authority was filed for record and (2) in the case of any mortgage or security interest covering any tangible property, whether real, personal, or mixed, in the office of the judge of probate of the county in which the property is or is to be located pursuant to any agreement made by the authority with any person respecting the location and use of the property. The notice shall contain a statement of the existence of such a mortgage, security interest, assignment, or pledge, as the case may be, a description of the property, revenues, or contract rights subject thereto and a description of the bonds secured thereby, all in terms sufficient to give notice to a reasonably prudent person of the existence and effect of the mortgage, security interest, assignment, or pledge. If the requirements of the preceding sentence are met, the notice may consist of (i) a summary statement prepared specially for the purpose of serving as the notice, (ii) an executed counterpart of any mortgage, security agreement, assignment, trust indenture, or other instrument granting the mortgage, creating the security interest, or making the assignment or pledge, as the case may be, or (iii) a certified copy of the resolution adopted by the board of the authority authorizing the mortgage, security interest, assignment, or pledge, as the case may be.

Section 7. (a) The principal proceeds derived from any borrowing made by an authority shall be used solely for the purpose or purposes for which the borrowing was authorized. If any bonds are issued for the purpose of financing costs of acquiring, constructing, improving, enlarging, and equipping a project, the costs shall be deemed to include the following:

(1) The cost of any land forming a part of the project.

(2) The cost of the labor, materials, and supplies used in the construction, improvement, or enlargement, including architectural and engineering fees and the cost of preparing contract documents and advertising for bids.

(3) The purchase price of, and the cost of installing, equipment for the project.

(4) The cost of landscaping the lands forming a part of the project and of constructing and installing roads, sidewalks, curbs, gutters, utilities, and parking places in connection therewith.

(5) Legal, accounting, publishing, printing, fiscal, and recording fees, and expenses incurred in connection with the authorization, sale, and issuance of the bonds issued in connection with the project; bond discount, commission, or other financing charges; fees and expenses of financial advisers and planning and management consultants; the cost of any feasibility studies deemed necessary or advisable in connection with the issuance and sale of the bonds; the amount of any debt service reserve that the board deems necessary or advisable to be funded out of the proceeds from the sale of the bonds; premiums or other fees payable to secure bond insurance, one or more letters of credit or a comparable credit enhancement facility; and other expenses as shall be necessary or incident to the borrowing.

(6) Interest on the bonds for a reasonable period prior to the commencement of the construction and equipment of the project, or of any improvements or additions being financed, in whole or in part, out of the proceeds from the sale of the bonds, and during the period estimated to be required for the construction and equipment and for a period of not more than two years after the completion of the construction and equipment.

(7) The reimbursement to itself, to any authorizing subdivision or other county or municipality, or to any other public agency, authority, or body, or any funds advanced, to or for the benefit of the authority or any project owned by it, in anticipation of the issuance of bonds by the authority, including the amount of any interest paid or incurred on any borrowings made for the purpose of obtaining funds to advance to or for the benefit of the authority or the project.

(8) The amount of the reserves for the payment of debt service on the bonds and for the maintenance, repair, replacement, improvement, and enlargement of any of its projects and other properties as the board shall deem advisable.

(b) Any portion of the principal proceeds derived from the borrowing not needed for any of the purposes for which the borrowing was authorized to be made shall be applied and used:

(1) For retirement of the bonds issued in evidence of the borrowing.

(2) For payment of the interest thereon.

(3) For payment into one or more special funds created for payment of principal or interest, or both, or for the creation of reserves for the payment of debt service or for maintenance, repair, replacement, improvement, or enlargement.

(4) For any combination thereof, all as shall be specified in the indenture under which the bonds are issued or in the resolution of the board authorizing the borrowing.

Section 8. (a) For the purpose of attaining the objectives of this act, any county, municipality, or other political subdivision, or public corporation, agency, or instrumentality of the state, a county, or municipality, may, upon such terms and with or without consideration, as it may determine, do any or all of the following:

(1) Lend or donate money to an authority or perform services for the benefit thereof.

(2) Donate, sell, convey, transfer, lease, or grant to an authority, without the necessity of authorization at any election of qualified voters, any property of any kind.

(3) Do any and all things, whether or not specifically authorized in this section, not otherwise prohibited by law, which are necessary or convenient to aid and cooperate with an authority in attaining the objectives of this act.

(b) Without limiting the generality of the provisions of the preceding subsection (a), if the governing body of any subdivision finds and determines that the project or projects to be financed, in whole or in part, through the issuance by the authority of an issue or series of its bonds will benefit the residents of the subdivision, then the subdivision may, upon notice to the public by publication once a month for two consecutive weeks in a newspaper of general circulation in the subdivision, (i) appropriate and pledge, on a continuing basis, public moneys of the subdivision for the express purpose of paying all or a portion of the principal of and interest and premium, if any, on the bonds of the authority and (ii) to enter into one or more contracts with the authority, or with the trustee under the indenture pursuant to which the bonds are issued, to evidence and specify the terms of the financial commitment undertaken by the subdivision, such a contract being herein called a "funding agreement." Any funding agreement executed and delivered by a subdivision may be for a term that corresponds to the term of the bonds secured, in whole or in part, thereby and may contain the terms, provisions, covenants, and conditions as the governing body of the subdivision and the board deem to be appropriate. The contractual commitment of a subdivision pursuant to a funding agreement may be either a general obligation of the subdivision, secured by a pledge of its full faith and credit, or a limited obligation of the subdivision payable solely from specified sources. In either event, a subdivision may specifically pledge and assign for the payment of its funding agreement obligations the proceeds from any specific tax or taxes levied by the subdivision or the

revenues from any revenue-producing properties owned, leased, or operated by the subdivision. In any instance where a funding agreement contains a pledge by a subdivision of any tax proceeds, the subdivision shall, during each fiscal year that the funding agreement shall be in effect, levy the tax or taxes so pledged and use so much of the proceeds therefrom as may be necessary to pay its funding agreement obligations. Any funding agreement executed and delivered by a subdivision may specify that, notwithstanding the actual debt service payable on the bonds secured thereby, the total amount payable pursuant to the agreement by the subdivision during any fiscal year shall not exceed a specified sum.

(c) In any instance in which (i) bonds of the authority are secured by funding agreements of more than one subdivision and (ii) each of the funding agreements specifies the maximum amount payable pursuant to its provisions in any particular fiscal year, the specified amount being herein called the "maximum annual contract obligation," the amount of the resulting indebtedness of such a subdivision, for purposes of any limitation on indebtedness imposed by the Constitution of Alabama of 1901 or any other applicable provision of law, shall at any time be equal to the product of (A) the sum of the then outstanding principal amount of the bonds secured by the funding agreements and the amount of interest then accrued and unpaid thereon and (B) a fraction, the numerator of which shall be equal to the subdivision's maximum annual contract obligation and the denominator of which shall be equal to the aggregate of the maximum annual contract obligations of all of the subdivisions that are parties to the funding agreements.

Section 9. Bonds issued by an authority shall be construed to be negotiable instruments although payable solely from a specified or limited source.

Section 10. The property and income of an authority, all bonds issued by an authority, the interest on the bonds, conveyances by or to an authority, and leases, deeds, or indentures by or to an authority shall be exempt from all taxation in the state. An authority shall be exempt from all taxes levied by any county or municipality which has consented to and approved the project, or other political subdivision of the state, including, without limitation, license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an authority may engage. An authority shall not be obligated to pay or allow any fees, taxes, or costs to the judge of probate of any county in respect of its incorporation, the amendment of its certificate of incorporation, or the recording of any document.

Section 11. Each authority shall be exempt from the laws of the state governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 8 of Title 8 of the Code of Alabama 1975.

Section 12. An authority and all contracts made by it shall, where feasible, comply with the laws of the state requiring competitive bids for any contract to be entered into by municipalities or public corporations including, without limitation, the provisions of Article 3 of Chapter 16 of Title 41, Code of Alabama 1975.

Section 13. The bonds of an authority shall be legal investments in which the state and its agencies and instrumentalities, all counties, municipalities, and other political subdivisions of the state and public corporations organized under the laws thereof, all insurance companies and associations and other persons carrying on an insurance business, all banks, savings banks, savings and loan associations, trust companies, credit unions, and investments companies of any kind, all administrators, guardians, executors, trustees and other fiduciaries, and all other persons whosoever are now or may hereafter be authorized to invest in bonds or other obligations of the state, may properly and legally invest funds in their control or belonging to them.

Section 14. An authority shall be a nonprofit corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual, firm, or corporation, except that in the event a board shall determine that sufficient provision has been made for the full payment of the expenses, bonds, and other obligations of an authority, then any portion, as determined by the board, of the net earnings of an authority thereafter accruing may, in the discretion of the board, be paid to one or more of its authorizing subdivisions.

Section 15. Upon the adoption by the board of an authority of any resolution providing for the issuance of bonds, the authority shall cause a notice respecting the issuance of the bonds to be published once a week for two consecutive weeks in each county in which shall be located any project financed or in any way assisted by the issuance of the bonds, the publication in each county to be in a newspaper having general circulation therein. The notice shall be in substantially the following form (the blanks being properly filled in) at the end of which shall be printed the name and title of either the chair or secretary of the authority:

"_____, a public corporation and instrumentality of the State of Alabama, on the ____ day of _____, authorized the issuance of \$ _____ principal amount of bonds (or notes, as the case may be) of the public corporation for purposes authorized in the act of the Legislature of Alabama under which the public corporation was organized. Any action or proceedings questioning or contesting the validity of the bonds, or the instruments securing the same, or the proceedings authorizing the same, must be commenced on or before _____ (insert date determined in accordance with the provision of the next paragraph of this section)."

The date stated in the notice as the date on or before which any action or proceedings questioning or contesting the validity of the bonds referred to therein shall be commenced shall be a date at least 30 days after the date on which occurs the last publication of the notice necessary for it to have been published at least once in all counties in which it is required to be published. Any action or proceeding in any court to set aside or question the proceedings for the issuance of the bonds referred to in the notice or to contest the validity of the bonds, or the validity of any instruments securing the same, shall be commenced on or before the date determined in accordance with the preceding sentence and stated in the

notice as the date on or before which the action or proceeding shall be commenced. After the date no right of action or defense shall be asserted questioning or contesting the validity of the bonds, or the instruments securing the same, or the proceedings authorizing the same, nor shall the validity of the bonds or the instruments or proceedings be open to question in any court on any ground whatsoever, except in an action or proceeding commenced on or before the date.

Section 16. Revenue obligations issued by any public authority pursuant to this act shall not create an obligation or debt of the State of Alabama, and no state funds shall be used to retire the principal and interest of any indebtedness issued pursuant to this act.

Section 17. The State Ethics Act shall apply to members of authorities created pursuant to this act.

Section 18. The provisions of this act are cumulative and shall not be deemed to repeal existing laws, except to the extent such laws are clearly inconsistent with provisions of this act.

Section 19. The provisions of this act shall be liberally construed to effect its purpose.

Section 20. In the event any section, sentence, clause, or portion of this act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses, or portions of this act, which shall continue effective.

Section 21. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 86; Nays 0.

Yea:

Representatives Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims,

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Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Wren.

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AMENDMENT OFFERED

Representative Minnifield offered the following amendment to the bill, H. 430, as amended:

On page 54, line 18, after the "period" insert a new Section 16 as follows and renumber succeeding sections accordingly:

Section 16. The Board of Education for the City of Fairfield shall receive at least 50 percent of the annual proceeds from the operation of the project which may be distributed annually to the City of Fairfield as an authorizing municipality.

AMENDMENT TABLED

On motion of Representative Newton (D), the amendment offered by Representative Minnifield to the bill, H. 430, as amended, was tabled.

Yeas 67; Nays 5.

Yea:

Representatives Bandy, Black (L), Boyd, Burke, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Knight (J), Layson, Maull, McAdory, McClammy, McDaniel, Melton, Mitchell, Morrison, Morton, Murphree, Newton (D), Papucci, Payne, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren and Willis.

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Nay:

Representatives Clouse, Laird, Minnifield, Moore and Seibenhener.

- 5

AMENDMENT OFFERED

Representative Newton (D) offered the following amendment to the bill, H. 430, as amended:

On page 33, lines 19 to 22, restore the stricken language.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 87; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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AMENDMENT OFFERED

Representative Petelos offered the following amendment to the bill, H. 430, as amended:

On page 54, line 19, after the period, insert a new Section 16 as follows and renumber succeeding sections accordingly:

Section 16. Neither an authority nor a participating subdivision in an authority shall have the power of eminent domain for a project under this act.

AMENDMENT ADOPTED

And the amendment was adopted.

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Yeas 84; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White and Willis.

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AMENDMENT OFFERED

Representative Wren offered the following amendment to the bill, H. 430, as amended:

On page 10, line 14, after the period, insert the following: This term shall not include any facility or location for casino gambling or any other game of chance.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 82; Nays 0.

Yea:

Representatives Allen, Black (M), Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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CO-SPONSOR ADDED

Representative Mitchell was added as co-sponsor to the amendment offered by Representative Wren to the bill, H. 430, as amended.

AMENDMENT OFFERED

Representative Payne offered the following amendment to the bill, H. 430, as amended:

On page 54, line 24, after the period, add a new Section 17 and renumber succeeding sections accordingly:

Section 17. The Alabama Administrative Procedure Act shall apply to rules adopted by authorities created pursuant to this act.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 0.

Yea:

Representatives Allen, Black (L), Black (M), Box, Boyd, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

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And the bill:

H. 430. To amend Sections 11-47-210 to 11-47-219, inclusive, Code of Alabama 1975, which empower municipalities to acquire and manage public parks, playgrounds, and other recreational or athletic facilities and which provide for the formation of authorities to act on behalf of the municipalities in exercising the powers; to provide further for definitions for particular terms relating to certain public corporations and for the types of properties and facilities that are subject to being acquired and managed pursuant to Article 9 of Chapter 47 of Title 11 of the

Code of Alabama 1975; to grant to any county the powers granted to municipalities by the article; to provide with more specificity for the procedure to be followed in organizing an authority pursuant to the article; to modify the article respecting the composition of the governing body of the authority and to further define and expand the powers to be enjoyed by the authority; to empower the authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds, and other obligations payable solely out of the revenues, receipts, income, funds, or other sources specified in the proceedings under which the bonds, notes, or other obligations are issued; to authorize the authority to pledge its revenues and mortgage or assign its assets as security for its notes, bonds, or other obligations; to provide for the issuance of refunding bonds, notes, or other obligations by an authority for the purpose of refunding bonds, notes, or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment, or pledge created or made by the authority; to provide that the notes, bonds, and other obligations of the authority shall constitute negotiable instruments; to provide that the notes, bonds, and other obligations of the authority may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the state the property, corporate activities, revenues, and income of the authority, the transactions or actions to which the authority is a party or in which it may be involved, and the notes, bonds, and all other obligations of the authority and the interest on the notes, bonds, and obligations; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to provide that any county, municipality, or other political subdivision, agency, or instrumentality of the state or any county or municipality may aid and cooperate with the authority, lend or donate money or perform services for the benefit thereof and, without the necessity of an election, donate, sell, convey, transfer, lease, or grant thereto any property of any kind; to authorize any county or municipality to enter into contracts providing for periodic monetary payments by the county or municipality to the authority, or for its benefit, to serve as a source of payment for notes, bonds, or other obligations of the authority; to specify the extent to which such a contract shall constitute or result in a debt of the county or municipality for purposes of any applicable limitation on indebtedness imposed by the constitution or other laws of the state; to provide that the authority shall be a not-for-profit corporation; to provide that such an authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes, or other obligations by the authority, and to provide that any action or proceeding questioning the validity of the bonds, notes, or other obligations, or instruments securing the same, shall be commenced within 30 days after the first publication of the notice; to provide that revenue obligations issued by any public authority shall not create an obligation or debt of the State of Alabama nor shall any state funds be used to retire the principal and interest of any indebtedness issued pursuant to this act; and to provide that the provisions of this act shall be severable.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 80; Nays 1.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Dukes, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Venable, Warren, Willis and Wren.

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Nay:

Representative Laird.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 430, as amended:

Representatives Allen, Bandy, Boyd, Burke, Clark (W), Hall (L), Hayden, Hill, Hilliard, Hooper, Jackson, Johnson (E), Knight (A), Knight (J), McClammy, Melton, Minnifield, Mitchell, Perdue and Spratt.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Venable, the Budget Isolation Resolution relating to the bill, H. 84, was adopted.

Yeas 71; Nays 0.

Yea:

Representatives Allen, Black (M), Box, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (R), Knight (A), Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford,

Seibenhener, Sims, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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MOTION TO CARRY OVER TABLED

On motion of Representative Venable, the motion offered by Representative Perdue to carry over the bill, H. 84, and the pending substitute and amendment reported by the Standing Committee on Constitution and Elections to the eleventh legislative day was tabled.

Yeas 59; Nays 23.

Yea:

Representatives Allen, Black (M), Box, Carns, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McDaniel, McKee, McMillan, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

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Nay:

Representatives Baker, Bandy, Boyd, Buskey, Clark (W), Hall (L), Hayden, Hilliard, Holmes, Houston, Jackson, Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (D), Perdue, Rogers (J), Spratt, Thomas (J) and White.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 595. Relating to certain funds for public safety purposes; to amend Sections 13A-12-294, 32-2-80, 32-2-81, 32-6-5, and 33-5-55 of the Code of

Alabama 1975, to clarify ambiguities concerning certain funds for public safety purposes; and to provide that all receipts from drivers' licenses, permits and nondriver identification cards shall be deposited to the Department of Public Safety Law Enforcement Fund.

TOMMY CARTER
Chairman

And the bill, H. 595, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 490. To prohibit the possession, distribution, or use of certain telecommunication devices, plans, or equipment; and to provide criminal penalties and certain civil remedies.

TOMMY CARTER
Chairman

And the bill, H. 490, as engrossed, was ordered sent to the Senate.

H. 84 TAKEN UP

And the bill:

H. 84. (With Substitute) (With Amendment): To amend Sections 17-10-7, 17-10-9, and 17-10-10, Code of Alabama 1975, to provide for modifications to the language which is required to be printed on an absentee ballot envelope; to further prohibit county election officials from counting absentee ballots which are unwitnessed and unnotarized; and to provide for a delayed effective date.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Constitution and Elections, said committee substitute being as follows:

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A BILL
TO BE ENTITLED
AN ACT

To amend Sections 17-10-5, 17-10-7, and 17-10-10, Code of Alabama 1975, to provide for three business days for absentee election managers to mail absentee ballots, and modifications to the language required to be printed on an absentee ballot envelope; and to further prohibit county election officials from counting absentee ballots which are unsigned and either unwitnessed or unnotarized.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 17-10-5, 17-10-7, and 17-10-10, Code of Alabama 1975, are amended to read as follows:

"§17-10-5.

"Upon receipt of the application for an absentee ballot, if the applicant's name appears on the list of qualified voters in the election to be held or, if the voter makes an affidavit for a challenged vote, the absentee election manager shall furnish the absentee ballot to the applicant by (1) forwarding it by United States mail to the applicant's or voter's residence address or the address where the voter regularly receives mail or (2) by handing the absentee ballot to the voter or, in the case of emergency voting, his or her designee in person. If the absentee election manager has reasonable cause to believe that the applicant has given a fraudulent address on the application for the absentee ballot, the election manager shall turn over the ballot application to the district attorney for any action which may be necessary under ~~Acts 1994, No. 94-320~~ Sections 17-10-3 to 17-10-5, inclusive, 17-10-7, 17-10-12, 17-10-17, 17-12-1 to 17-12-3, inclusive, 17-12-7, and 17-12-8, or ~~other acts pursuant to other law~~. The absentee election manager further may require additional proof of a voter's eligibility to vote absentee when there is evidence of continuous absentee voting. The absentee election manager shall mail any absentee ballot requested to be mailed no later than the ~~next third~~ business day after an application has been received unless the absentee ballots have not been delivered to the absentee election manager or the application is received within five business days preceding the election. If the absentee ballots have not been so delivered, the absentee election manager shall hold all requests until the ballots are delivered and shall then respond by placing ballots in the mail no later than the ~~next third~~ business day. If the application is received within five business days preceding the election, the absentee election manager shall mail any absentee ballot requested no later than the next business day after the application is received.

"The official list of qualified voters shall be furnished to the absentee election manager by the judge of probate or other person preparing the list at least 45 days before the election. Any supplemental list of qualified electors shall also be provided to the absentee election manager as soon as the list becomes available.

The absentee election manager shall underscore on the list the name of the voter and shall write immediately beside his or her name the word "absentee." The absentee election manager shall enroll the name, residence, and polling place of the applicant, and the date the application was received on a list of absentee voters. Each day the absentee election manager shall enter on the list the names, addresses, and polling places of each voter who has that day applied for an absentee ballot and shall post a copy of the list of applications received each day on the regular bulletin board or other public place in the county courthouse. The list shall be maintained in the office of the clerk or register for 60 days after the election, at which time it shall be filed with the judge of probate. Before the polls open at any election, the absentee election manager shall effectuate the delivery to the election officers of each polling place a list showing the name and address of every person whose name appears on the official list of qualified electors for the polling place who applied for an absentee ballot in the election. The name of the person who applied for an absentee ballot shall be stricken from the list of qualified electors kept at the polling place, and the person shall not vote again. Separate applications for absentee ballots are required for elections which are more than 30 days apart."

"§17-10-7.

"Each absentee ballot shall be accompanied by an envelope upon which shall be printed an affidavit. This affidavit which shall be used in general, special, or municipal elections shall be substantially as follows:

"State of Alabama

"County of _____

"I, the undersigned, do swear (or affirm) that:

"(1) I am a resident of _____ county in the State of Alabama.

"(2) My place of residence in Alabama is:

"_____
"(street)

"_____, Alabama
"(city or town) (zip code)

"(3) My voting precinct (or place where I vote) is:

"_____

"(4) My date of birth "is: _____
"month day year

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"(5) I am entitled to vote an absentee ballot because:

"Check only one:

"_____ I have moved from Alabama less than thirty days prior to the election.

"_____ I will be out of the county or the state on election day.

"_____ I am physically incapacitated and will not be able to vote in person on election day.

"_____ I work a required workplace shift that conflicts with polling hours.

"_____ I meet the qualifications to vote by emergency absentee ballot due to a medical emergency.

"_____ I meet the qualifications to vote by emergency absentee ballot due to a business emergency.

"I further swear (or affirm) that I have not voted nor will I vote in person in the election to which this ballot pertains.

"I have marked the enclosed absentee ballot voluntarily and that I have read or had read to me and understand the instructions accompanying this ballot and that I have carefully complied with such instructions.

"Moreover, I further swear (or affirm) that all of the information given above is true and correct to the best of my knowledge and that I understand that by knowingly giving false information so as to vote illegally by absentee ballot that I shall be guilty of a misdemeanor which is punishable by a fine not to exceed ~~\$1,000.00 and/or~~ one thousand dollars (\$1,000) and confinement in the county jail for not more than six months, or both.

"_____
"(Signature or mark of voter.)

"_____
"(Printed name of voter.)

"Note: Your signature must be witnessed by either: A notary public or other officer authorized to acknowledge oaths or two witnesses 18 years of age or older.

"IF YOUR BALLOT IS NOT SIGNED AND EITHER WITNESSED OR NOTARIZED, YOUR BALLOT WILL NOT BE COUNTED."

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"Sworn to and subscribed before me this _____ day of _____, 19__.
I certify that the affiant is known (or made known) to me to be the identical party
he or she claims to be.

(Title of official) (Signature of official)

(Address of official)

"OR

"1st Witness

"Signature

"

"Print name

"

"Address

"

"City

"Zip Code

"2nd Witness

"

"Signature

"

"Print name

"

"Address

"

"City

"Zip Code"

"§17-10-10.

"Upon receipt of the absentee ballot, the absentee election manager shall record its receipt thereof on the absentee list as provided in Section 17-10-5 and shall safely keep the ballot without breaking the seal of the affidavit envelope. On the day of the election, beginning at 12:00 noon, the absentee election manager shall deliver the sealed affidavit envelopes containing absentee ballots to the election officials provided for in Section 17-10-11, ~~and such~~. The election officials shall then call the name of each voter casting an absentee ballot with poll watchers present as may be provided under the laws of Alabama and shall open each affidavit envelope, review the affidavit to certify that ~~such~~ the voter is entitled to vote and deposit the plain envelope containing the absentee ballot into a sealed

ballot box. No poll worker or other election official may count an absentee ballot that is unsigned and either unwitnessed or unnotarized. The doctrine of substantial compliance shall not be applied to the counting of a ballot which has not been signed and either witnessed or notarized. The absentee ballots shall upon the closing of the polls be counted and otherwise handled in all respects as if the ~~said~~ absentee voter were present and voting in person. As regards municipalities with populations of less than 10,000, in the case of municipal elections held at a time different from a primary or general election, ~~such~~ the return mail envelopes containing the ballots shall be delivered to the election official of the precinct of the respective voters."

Section 2. This act shall become effective on January 1, 1996, after its passage and approval by the Governor, or upon its otherwise becoming a law, and shall apply only to elections held after the aforementioned date.

H. 84 CARRIED OVER

On motion of Representative Venable, the bill, H. 84, and the pending substitute and amendment reported by the Standing Committee on Constitution and Elections were carried over to the tenth legislative day.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Fuller, the rules were suspended in order to permit the Standing Committee on Ways and Means to meet while the House is in Session.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 30. To amend Section 28-4-31, Code of Alabama 1975, relating to the prohibition against using the words saloon, buffet, or bar in describing places where alcoholic beverages are sold, to remove the prohibition.

McDOWELL LEE
Secretary

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative McDaniel, the rules were suspended in order to permit the Standing Committee on Commerce, Transportation and Utilities to meet while the House is in Session.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 489, was adopted.

Yeas 75; Nays 3.

Yea:

Representatives Allen, Baker, Black (M), Boyd, Carns, Carothers, Clouse, Collins, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable, Warren and Willis.

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Nay:

Representatives Crigler, Smith and White.

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MOTION TO SUSPEND RULES ADOPTED

On motion offered by Representative Venable, House Rule 39 was suspended.

H. 489 TAKEN UP

And the bill:

H. 489. (With Amendment): Relating to motor vehicles; to provide for the regulation of window tinting of motor vehicles; to provide definitions; to require that material and glazing when applied shall not reduce light transmission through the windshield or windows by certain amounts or increase light reflectance by certain amounts; to provide for certain exceptions and for medical exemptions; to provide for the approval by the Department of Public Safety of material and glazing used for the window tinting of motor vehicles in this state; to provide for labels on windshields and windows under certain conditions; and to provide penalties for violations of this act.

was taken up.

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The question was then on the adoption of the amendment reported by the Standing Committee on Highway Safety, said committee amendment being as follows:

Amend H. 489, Page 4, Section 3, Line 22, by adding a period after the word "regulation" and striking the remainder of the sentence.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 75; Nays 1.

Yea:

Representatives Allen, Black (M), Boyd, Carns, Carothers, Clouse, Collins, Dean, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (P), Payne, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, White and Willis.

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Nay:

Representative Crigler.

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REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 430. To amend Sections 11-47-210 to 11-47-219, inclusive, Code of Alabama 1975, which empower municipalities to acquire and manage public parks, playgrounds, and other recreational or athletic facilities and which provide for the formation of authorities to act on behalf of the municipalities in exercising the powers; to provide further for definitions for particular terms relating to certain

public corporations and for the types of properties and facilities that are subject to being acquired and managed pursuant to Article 9 of Chapter 47 of Title 11 of the Code of Alabama 1975; to grant to any county the powers granted to municipalities by the article; to provide with more specificity for the procedure to be followed in organizing an authority pursuant to the article; to modify the article respecting the composition of the governing body of the authority and to further define and expand the powers to be enjoyed by the authority; to empower the authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds, and other obligations payable solely out of the revenues, receipts, income, funds, or other sources specified in the proceedings under which the bonds, notes, or other obligations are issued; to authorize the authority to pledge its revenues and mortgage or assign its assets as security for its notes, bonds, or other obligations; to provide for the issuance of refunding bonds, notes, or other obligations by an authority for the purpose of refunding bonds, notes, or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment, or pledge created or made by the authority; to provide that the notes, bonds, and other obligations of the authority shall constitute negotiable instruments; to provide that the notes, bonds, and other obligations of the authority may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the state the property, corporate activities, revenues, and income of the authority, the transactions or actions to which the authority is a party or in which it may be involved, and the notes, bonds, and all other obligations of the authority and the interest on the notes, bonds, and obligations; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to provide that any county, municipality, or other political subdivision, agency, or instrumentality of the state or any county or municipality may aid and cooperate with the authority, lend or donate money or perform services for the benefit thereof and, without the necessity of an election, donate, sell, convey, transfer, lease, or grant thereto any property of any kind; to authorize any county or municipality to enter into contracts providing for periodic monetary payments by the county or municipality to the authority, or for its benefit, to serve as a source of payment for notes, bonds, or other obligations of the authority; to specify the extent to which such a contract shall constitute or result in a debt of the county or municipality for purposes of any applicable limitation on indebtedness imposed by the constitution or other laws of the state; to provide that the authority shall be a not-for-profit corporation; to provide that such an authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes, or other obligations by the authority, and to provide that any action or proceeding questioning the validity of the bonds, notes, or other obligations, or instruments securing the same, shall be commenced within 30 days after the first publication of the notice; to provide that revenue obligations issued by any public authority shall not create an obligation or debt of the State of Alabama nor shall any state funds be used to retire the principal and interest of any indebtedness issued pursuant to this act; and to provide that the provisions of this act shall be severable.

TOMMY CARTER
Chairman

And the bill, H. 430, as engrossed, was ordered sent to the Senate.

H. 489 RESUMED

AMENDMENT OFFERED

Representative White offered the following amendment to the bill, H. 489, as amended:

On page 7, line 3, after the period, insert a new Section 8 to read as follows and renumber succeeding accordingly:

Section 8. This act shall not apply to any window tinting which occurred prior to the effective date of this act if proof of the prior window tinting is evidenced by a receipt for the window tinting.

AMENDMENT TABLED

On motion of Representative Johnson (R), the amendment offered by Representative White to the bill, H. 489, as amended, was tabled.

Yeas 46; Nays 19.

Yea:

Representatives Allen, Baker, Black (M), Carns, Carothers, Clouse, Collins, Dean, Dolbare, Drake, Galliher, Gaston, Graham, Guin, Hall (L), Hamilton, Hammett, Hawkins, Hill, Hinshaw, Hogan, Holmes, Johnson (R), Knight (A), Knight (J), Laird, Lindsey, McClammy, McKee, McMillan, Millican, Moore, Murphree, Page, Parker (P), Petelos, Pringle, Robinson, Rogers (M), Seibenhener, Sims, Starkey, Thomas (D), Townsend, Willis and Wren.

-46

Nay:

Representatives Box, Crigler, Gaines, Gipson, Hall (A), Hilliard, Houston, McAdory, Mitchell, Morrison, Morrow, Newton (C), Papucci, Payne, Rogers (J), Smith, Spratt, Venable and White.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 30. To amend Section 28-4-31, Code of Alabama 1975, relating to the prohibition against using the words saloon, buffet, or bar in describing places where alcoholic beverages are sold, to remove the prohibition.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

H. 489 RESUMED

MOTION TO REMOVE FROM TABLE LOST

Having voted on the prevailing side by which the amendment offered by Representative White to the bill, H. 489, was tabled, Representative Hinshaw offered the motion to remove the amendment from the table, and the motion was lost.

Yeas 27; Nays 34.

Yea:

Representatives Box, Buskey, Clark (W), Crigler, Flowers, Gipson, Haney, Hayden, Hilliard, Hinshaw, Houston, Jackson, McAdory, McMillan, Melton, Millican, Minnifield, Morrison, Papucci, Rogers (J), Sims, Smith, Spratt, Turner, Turnham, Venable and White.

-27

Nay:

Representatives Carns, Carothers, Collins, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hamilton, Hawkins, Hill, Hogan, Holmes, Johnson (R), Knight (A), Knight (J), Laird, McDaniel, McKee, Murphree, Parker (P), Petelos, Pringle, Rogers (M), Sanderford, Thomas (D), Townsend, Vance, Willis and Wren.

-34

AMENDMENT OFFERED

Representative Smith offered the following amendment to the bill, H. 489, as amended

On page 7, line 4, delete the figure "90" and insert in lieu thereof the following: 150

AMENDMENT TABLED

On motion of Representative Johnson (R), the amendment offered by Representative Smith to the bill, H. 489, as amended, was tabled.

Yeas 34; Nays 23.

Yea:

Representatives Carns, Carothers, Clark (W), Dean, Dolbare, Flowers, Galliher, Hall (L), Hamilton, Hammett, Hawkins, Hill, Hogan, Holmes, Johnson (R), Knight (A), Knight (J), Laird, McDaniel, McKee, McMillan, Morrison, Murphree, Newton (C), Page, Pringle, Rogers (M), Sanderford, Sims, Thomas (D), Townsend, Venable, Willis and Wren.

-34

Nay:

Representatives Box, Clouse, Crigler, Dukes, Gaines, Gaston, Gipson, Guin, Hall (A), Hayden, Hilliard, Houston, McAdory, Millican, Morrow, Papucci, Parker (P), Payne, Petelos, Rogers (J), Smith, Spratt and White.

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And the bill:

H. 489. Relating to motor vehicles; to provide for the regulation of window tinting of motor vehicles; to provide definitions; to require that material and glazing when applied shall not reduce light transmission through the windshield or windows by certain amounts or increase light reflectance by certain amounts; to provide for certain exceptions and for medical exemptions; to provide for the approval by the Department of Public Safety of material and glazing used for the window tinting of motor vehicles in this state; to provide for labels on windshields and windows under certain conditions; and to provide penalties for violations of this act.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 73; Nays 4.

Yea:

Representatives Allen, Baker, Bandy, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Venable, Warren, Willis and Wren.

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Nay:

Representatives Box, Crigler, Vance and White.

- 4

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 198, was adopted.

Yeas 72; Nays 0.

Yea:

Representatives Allen, Bandy, Black (M), Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrow, Morton, Page, Papucci, Parker (P), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Vance, Venable, Warren, White, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 159. To prevent unconscionable pricing during periods in which the state or any part thereof is under a declared state of emergency, due to a natural disaster; to define unconscionable pricing; and to make it unlawful and an unfair trade practice for any person or his or her employee to rent, sell, or offer to rent or sell in this state during a declared state of emergency a commodity at an unconscionable price.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 121. To provide for a supplemental appropriation from the State General Fund for the fiscal year ending September 30, 1996, in the amount of \$8,993,334 to various state agencies; to provide for the expanded use of the fiscal year 1996 appropriation to the Alabama Agricultural Museum Board; and to provide for an effective date.

McDOWELL LEE
Secretary

H. 198 TAKEN UP

And the bill:

H. 198. (With Amendment): To amend Section 36-33-2 of the Code of Alabama 1975, relating to protection of certain state officials; to clarify who may be furnished protection; and to require that security officers be designated from within the Department of Public Safety.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Highway Safety, said committee amendment being as follows:

Amend H. 198 on Page 1, Line 22, after the word "department" by adding the following language: and approved by the state official under protection

Further amend House Bill 198, Page 2, Line 6, after the word "Safety" by adding the following language: and with the approval of the state official under protection

Further amend House Bill 198, Page 3, Line 10, after the word "officer." By adding the following language: Further, the executive security officer designated shall be approved by the state official under protection.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 74; Nays 0.

Yea:

Representatives Allen, Bandy, Black (M), Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 198. To amend Section 36-33-2 of the Code of Alabama 1975, relating to protection of certain state officials; to clarify who may be furnished protection; and to require that security officers be designated from within the Department of Public Safety and with the approval of the state official under protection.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 76; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Papucci, Parker (P), Payne, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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BUDGET ISOLATION RESOLUTION OFFERED

Representative Rogers (J) offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 257.

MOTION TO ADJOURN LOST

The motion offered by Representative Smith that the House adjourn until 5:00 o'clock p.m., Tuesday, March 12, 1996, was lost.

Yeas 34; Nays 37.

Yea:

Representatives Clouse, Collins, Crigler, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Graham, Guin, Hamilton, Haney, Hill, Jorgensen, Knight (A), Laird, Lindsey, McMillan, Millican, Moore, Morrison, Morton, Murphree, Petelos, Sanderford, Seibenhener, Sims, Smith, Thomas (D), Turnham, Vance, Venable and White.

-34

Nay:

Representatives Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Clark (W), Fuller, Gipson, Hall (A), Hall (L), Hammett, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), McAdory, McClammy, Minnifield, Mitchell, Morrow, Papucci, Payne, Perdue, Robinson, Rogers (J), Spratt, Townsend and Wren.

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SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the adoption of the Budget Isolation Resolution offered by Representative Rogers (J) to the bill, H. 257, and the Budget Isolation Resolution was adopted.

Yeas 45; Nays 21.

Yea:

Representatives Bandy, Black (L), Black (M), Box, Burke, Buskey, Carothers, Clark (W), Clouse, Dean, Gaines, Galliher, Gaston, Gipson, Hall (A), Hall (L), Hammett, Hayden, Hill, Hilliard, Hinshaw, Holmes, Houston, Jackson,

Johnson (E), Kennedy, Knight (A), Knight (J), Maull, McAdory, McClammy, Melton, Minnifield, Morrow, Page, Papucci, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Spratt, Thomas (J) and Vance.

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Nay:

Representatives Carns, Collins, Crigler, Dolbare, Drake, Dukes, Guin, Haney, Hawkins, Laird, McDaniel, McMillan, Millican, Murphree, Payne, Sanderford, Sims, Smith, Thomas (D), Townsend and Wren.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 489. Relating to motor vehicles; to provide for the regulation of window tinting of motor vehicles; to provide definitions; to require that material and glazing when applied shall not reduce light transmission through the windshield or windows by certain amounts or increase light reflectance by certain amounts; to provide for certain exceptions and for medical exemptions; to provide for the approval by the Department of Public Safety of material and glazing used for the window tinting of motor vehicles in this state; to provide for labels on windshields and windows under certain conditions; and to provide penalties for violations of this act.

TOMMY CARTER
Chairman

And the bill, H. 489, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 121. To provide for a supplemental appropriation from the State General Fund for the fiscal year ending September 30, 1996, in the amount of \$8,993,334 to various state agencies; to provide for the expanded use of the fiscal year 1996 appropriation to the Alabama Agricultural Museum Board; and to provide for an effective date.

Also:

H. 159. To prevent unconscionable pricing during periods in which the state or any part thereof is under a declared state of emergency, due to a natural disaster; to define unconscionable pricing; and to make it unlawful and an unfair trade practice for any person or his or her employee to rent, sell, or offer to rent or sell in this state during a declared state of emergency a commodity at an unconscionable price.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Butler:

S. 13. To amend Section 1 of Act No. 95-738, now appearing as Section 27-47-1, Code of Alabama 1975, to provide that the term "qualified long-term care services" includes assisted living.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 13. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Dixon:

S. 18. To provide distinctive motor vehicle license tags or plates for supporters of the Alabama Shakespeare Festival; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 18. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Biddle, Freeman, Butler, and Waggoner:

S. 120. To provide for licensure and regulation of massage therapists and massage establishments; to provide for the registration of massage therapy schools and instructors; to create the Alabama Board of Massage Therapy; to create the Alabama Board of Massage Therapy Fund; to provide for an appropriation to the Alabama Board of Massage Therapy from the Alabama Board of

Massage Therapy Fund in an amount as deemed necessary for fiscal year 1996-1997; to provide for the duties and powers of the board; and to prescribe penalties for violations of the act.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 120. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Waggoner:

S. 20. To amend Section 16-22-1 of the Code of Alabama 1975 granting certain persons employed by certain institutions and colleges police powers; to further provide for police powers for police officers employed by Samford University or Birmingham-Southern College.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 20. Judiciary.

H. 257 TAKEN UP

And the bill:

H. 257. To permit the operator of a racetrack in a Class 1 municipality, notwithstanding certain provisions of Section 11-65-32 of the Code of Alabama

1975, to transmit to, or receive from, other racetracks located in Alabama televised horse or greyhound racing events, to conduct pari-mutuel wagering on such televised racing events, and to participate in pari-mutuel pools that include bettors at other racetracks in Alabama that are transmitting or receiving such televised racing events; and to enable the operator of a racetrack in a Class 1 municipality to adjust takeouts in order to participate in combined pari-mutuel pools with other racetracks.

was taken up.

MOTION IN WRITING OFFERED

Representative Hall (A) offered the following Motion in Writing relating to the bill, H. 257:

I move the previous question.

MOTION IN WRITING LOST

And the Motion in Writing was lost, lacking a three-fifths vote.

Yeas 29; Nays 23.

Yea:

Representatives Baker, Black (L), Black (M), Carothers, Crigler, Dukes, Hall (A), Hayden, Hilliard, Hinshaw, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Knight (J), Lindsey, McAdory, McClammy, Melton, Minnifield, Moore, Morrow, Page, Papucci, Perdue, Robinson, Rogers (J) and Spratt.

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Nay:

Representatives Allen, Box, Carns, Collins, Curry, Dolbare, Drake, Flowers, Guin, Hamilton, Haney, Hawkins, Hogan, Laird, McMillan, Morton, Murphree, Payne, Sims, Smith, Townsend, Turnham and Wren.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

REGULAR SESSION
9th Day

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H. 198. To amend Section 36-33-2 of the Code of Alabama 1975, relating to protection of certain state officials; to clarify who may be furnished protection; and to require that security officers be designated from within the Department of Public Safety and with the approval of the state official under protection.

TOMMY CARTER
Chairman

And the bill, H. 198, as engrossed, was ordered sent to the Senate.

MOTION TO ADJOURN LOST

The motion offered by Representative Thomas (D) that the House adjourn until 5:00 o'clock p.m., Tuesday, March 12, 1996, was lost.

Yeas 27; Nays 36.

Yea:

Representatives Black (M), Collins, Crigler, Drake, Gaines, Galliher, Gaston, Graham, Guin, Hamilton, Haney, Hawkins, Hogan, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Murphree, Sanderford, Seibenhener, Sims, Spratt, Thomas (D) and Willis.

-27

Nay:

Representatives Baker, Bandy, Black (L), Box, Burke, Buskey, Carns, Carothers, Clark (W), Hall (A), Hayden, Hilliard, Hinshaw, Holmes, Houston, Jackson, Johnson (R), Kennedy, Knight (J), Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Morrow, Newton (D), Papucci, Payne, Perdue, Petelos, Robinson, Rogers (J), Thomas (J), Townsend and Turner.

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H. 257 RESUMED

MOTION IN WRITING OFFERED

Representative Dolbare offered the following Motion in Writing relating to the bill, H. 257:

I move the previous question.

MOTION IN WRITING ADOPTED

And the Motion in Writing was adopted.

Yeas 38; Nays 19.

Yea:

Representatives Allen, Baker, Black (M), Boyd, Burke, Carothers, Carter, Clouse, Dolbare, Gaines, Galliher, Gipson, Graham, Hall (A), Hayden, Hill, Hilliard, Hinshaw, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Knight (J), Lindsey, Maull, McAdory, McClammy, Melton, Millican, Morrow, Papucci, Pringle, Rogers (J), Rogers (M), Spratt, Thomas (J) and Warren.

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Nay:

Representatives Carns, Crigler, Flowers, Guin, Haney, Hawkins, Hogan, Laird, McKee, McMillan, Mitchell, Murphree, Payne, Seibenhener, Sims, Thomas (D), Townsend, Turnham and Willis.

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MOTION TO ADJOURN LOST

The motion offered by Representative Haney that the House adjourn until 5:00 o'clock p.m., Tuesday, March 12, 1996, was lost.

Yeas 24; Nays 46.

Yea:

Representatives Collins, Crigler, Drake, Flowers, Gaines, Gaston, Guin, Hamilton, Haney, Hogan, Laird, Layson, McDaniel, McKee, McMillan, Murphree, Sanderford, Seibenhener, Sims, Spratt, Thomas (D), Turnham, Vance and Willis.

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Nay:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carothers, Clark (W), Clouse, Curry, Galliher, Gipson, Hall (A), Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Morrow, Newton (D), Papucci, Petelos, Robinson, Rogers (J), Thomas (J), Turner, Warren, White and Wren.

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H. 257 RESUMED

And the bill, H. 257, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 31.

Yea:

Representatives Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Dean, Hall (L), Hayden, Hill, Hilliard, Hinshaw, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Knight (J), Maull, McAdory, McClammy, Melton, Minnifield, Morrow, Page, Papucci, Petelos, Pringle, Robinson, Rogers (J), Spratt, Thomas (J) and Warren.

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Nay:

Representatives Carns, Collins, Crigler, Dolbare, Drake, Gaines, Gaston, Guin, Hamilton, Haney, Hawk, Hawkins, Hogan, Johnson (R), Laird, Layson, McDaniel, McKee, McMillan, Millican, Morrison, Murphree, Payne, Sanderford, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turnham and Willis.

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RESOLUTIONS

The following resolutions were introduced:

By Representative Fuller:

H.J.R. 243. INVITING THE CHIEF JUSTICE OF THE ALABAMA SUPREME COURT TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

The resolution, H.J.R. 243, was read and referred to the Standing Committee on Rules.

Also:

By Representative Murphree:

H.J.R. 244. RECOGNIZING THE INDEPENDENT INSURANCE AGENTS OF AMERICA, INC., FOR ITS OUTSTANDING CONTRIBUTIONS.

The resolution, H.J.R. 244, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Armistead:

S.J.R. 58. COMMENDING THOMAS G. WALKER, JR., AS RECIPIENT OF THE UNIVERSITY OF MONTEVALLO'S 1996 DISTINGUISHED ALUMNUS AWARD.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 58, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolution and House Bills mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:10 A.M. on March 7, 1996.

H.J.R. 233

Delivered to the Governor at 2:23 P.M. on March 7, 1996.

H. 30

Delivered to the Governor at 3:05 P.M. on March 7, 1996.

H. 121

H. 159

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Clark (W), the House adjourned until 5:00 o'clock p.m., Tuesday, March 12, 1996.

**REGULAR SESSION
10th Day**

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TENTH DAY

**House of Representatives
Montgomery, Alabama
Tuesday, March 12, 1996**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Mickey Castleberry, Ridgecrest Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by William Mack, 8th Grade, Livingston Junior High School, Livingston, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Cams, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the ninth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the ninth legislative day was dispensed with.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 10:00 o'clock a.m. on Thursday, March 14, 1996, and the motion was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.R. 195. REQUESTING THE DEPARTMENT OF TRANSPORTATION TO ALLOW THE USE OF THE TUNNEL PASSAGE UNDER HIGHWAY 72 BY RIVERMONT TRAIL HIKERS.

WHEREAS, Rivermont Trail, which runs from the Tennessee River to Russell Cave National Monument near Bridgeport, Alabama, was designated in the 1960's and has been a favorite hiking path for Boy Scouts, travel groups, and other individual hikers; and

WHEREAS, the recent construction of U.S. Highway 72, which directly crosses the path of Rivermont Trail, has resulted in a significant safety hazard for the users of the trail, especially for children's groups such as the Boy Scouts; and

WHEREAS, adjacent to the trail is a tunnel passage that runs directly under Highway 72, which could safely be used by hikers if permission were granted by the State Department of Transportation; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby request the State Department of Transportation to allow the use of the tunnel passage under Highway 72 by hikers on the Rivermont Trail, and to post appropriate signs for such usage.

RESOLVED FURTHER, That a copy of this resolution be sent to the Director of the Department of Transportation for consideration of this request.

On motion of Representative Carter, the resolution, H.R. 195, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 190. EXTENDING THE JOINT LEGISLATIVE COMMITTEE TO EVALUATE THE NEEDS OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES AND EXTENDING THE REPORTING DATE OF THE COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Legislative Committee to Evaluate the Needs of Individuals with Developmental Disabilities and Their Families, established pursuant to Act No. 95-331, SJR 92, 1995 Regular Session, is extended and shall report its findings, conclusions, reports, and recommendations on the fifth legislative day of the 1997 Regular Session, at which time the committee shall stand dissolved and discharged of any further duties and liabilities.

On motion of Representative Carter, the resolution, H.J.R. 190, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 241. COMMENDING THE ALL-ALABAMA ACADEMIC TEAM.

WHEREAS, it is with great pleasure that heartiest congratulations are herein extended to the students who were selected for the 1996 All-Alabama Academic Team competition; and

WHEREAS, the sponsors of the team are the Alabama Deans of Student Affairs Association, Alabama Instructional Officers' Association, Alabama Financial Management Association, Alabama Presidents' Association, and Phi Theta Kappa, as well as several corporation sponsors; and

WHEREAS, the objectives of the team are to establish a partnership between Alabama two-year colleges and Phi Theta Kappa, promote excellence in

education, increase public awareness of educational excellence provided by two-year colleges, and provide recognition to outstanding two-year college students based on academics and leadership; and

WHEREAS, the two teams of exceptionally bright and talented students, who were chosen on the basis of academic excellence and other eligibility rules, include the following top-ranked students on Team One: Hattie Baker, Tamela Baylis, Kimberly Bishop, Robert Bridges, Phillip Broom, Faydra Clayton, Shirley Cooper, Rose Duffie, Cynthia Dykes, Susan Fields, David Gehman, Brenda Gravitt, Dawn Hardage, James Hethcox, Timothy Jones, Clinton Kirkland, Joanne Kissinger, Joanna Knight, Christopher Lowe, James McKinley, Marko Matic, Matthew Preston, Christina Ruthven, Tonisha Sconyers, Pamela Singleton, Stason Slappy, Mary Taylor, Michael Turner, Brenda Walston, and Vera Wyatt; and the second-ranked students on Team Two: Margueritte Aultman, Clint Box, Julie Brundage, Fontina Burnette, Timothy Chastain, Dewight Cowley, Adam Green, Samantha Frye, Anthony Harris, Alisha Ivy, Russell Holland, Wendy Kilpatrick, Tracy Martin, Russell Minor, DeLeslyn Mitchell, Brian Neal, Julie Parrish, Pamela Powers, Stefanie Raef, Melissa Richards, Linda Smoke, Samuel Shelley, Cynthia Smith, Melissa Sparrow, Dorothy Thompson, Jocelyn Tubbs, Kathy White, Kimberly Woodard, and Tondalaya Young; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That highest commendation is hereby accorded the 1996 All-Alabama Academic Team members for their outstanding achievement, and it is further directed that a copy of this resolution be provided for appropriate presentation and display, and for each team member as an expression of sincere best wishes for every future happiness and success.

On motion of Representative Carter, the resolution, H.J.R. 241, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 244. RECOGNIZING THE INDEPENDENT INSURANCE AGENTS OF AMERICA, INC., FOR ITS OUTSTANDING CONTRIBUTIONS.

WHEREAS, the Independent Insurance Agents of America, Inc., (IIAA) is entering its second century as an association, having been founded in Chicago, Illinois, in 1896; and

WHEREAS, the Alabama Independent Insurance Agents Association, also founded in 1896, has helped to serve the small business community and the state on behalf of the National Association; and

WHEREAS, IIAA is a voluntary federation of state associations and local boards proudly serving every state in the union with more than 300,000 independent insurance agents and their employees; and

WHEREAS, IIAA has recorded an illustrious history, establishing itself as one of the nation's largest and oldest independent agent's associations; and is known for its strength and effectiveness; and

WHEREAS, IIAA continues to maintain its original grassroots structure dedicated to fair practices in the marketplace, and high business standards for the Association and its members; and

WHEREAS, IIAA members rely on a commitment to competition, professionalism, and education to ensure public confidence and choice in the insurance industry; and

WHEREAS, many thousands of consumers have benefitted from the outstanding leadership and example the Independent Insurance Agents of America, Inc., has provided for the industry and its members; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby pay tribute to the contributions made by this great Association to the civic enrichment for the citizens of the State of Alabama.

On motion of Representative Carter, the resolution, H.J.R. 244, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 18. RECOGNIZING THE CELEBRATION AND ACTIVITIES OF NATIONAL TRIO DAY AT ALABAMA STATE UNIVERSITY.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 18.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 52. EXPRESSING SUPPORT FOR PRESERVATION OF BEEHIVE COKE OVENS IN WEST BLOCTON.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 52.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 53. COMMENDING RICK WASH ON HIS SELECTION TO PARTICIPATE IN THE 1996 SUMMER OLYMPIC GAMES.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 53.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 54. COMMENDING JUDGE SANDRA ROSS STORM.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 54.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 58. COMMENDING THOMAS G. WALKER, JR., AS RECIPIENT OF THE UNIVERSITY OF MONTEVALLO'S 1996 DISTINGUISHED ALUMNUS AWARD.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 58.

NOTICE IN WRITING FILED

Representative Hammett filed the following Notice in Writing:

Notice is hereby given in accordance with the House Rules that on the next legislative day a motion will be made to amend the House Rules as follows: Amend Rule 6 (3) after the word "privilege" and period by inserting the following language: Bills and resolutions may also be introduced at any time later in the same legislative day, prior to adjournment, by filing them with the Clerk.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S.J.R. 44. CONGRATULATING JOHN AND MICHELLE CREWS ON THE BIRTH OF THEIR SON, CHANDLER MATHEW CREWS.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the foregoing Message from the Senate.

BILLS ON SECOND READING

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 431. Proposing an amendment to the Constitution of Alabama of 1901; relating to legalizing certain operations of bingo games for prizes or money for charitable or educational purposes in Russell County and the cities and towns of the county.

The above bill was read a second time at length as required by the Constitution.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 432. (With Substitute): To provide for the implementation of a constitutional amendment authorizing the county commission to regulate the operation of bingo in Russell County, Alabama.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 499. To propose an amendment to the Constitution of Alabama of 1901, relating to Henry County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments in the county; providing for expenditure and accounting of the funds; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

The above bill was read a second time at length as required by the Constitution.

H. 526. Relating to Russell County; providing for an additional expense allowance and salary for the sheriff, and for the expiration of the expense allowance.

H. 601. Relating to Choctaw County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as the county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing that the substantive provisions of the act shall become effective on approval of the electors.

H. 609. To propose an amendment to the Constitution of Alabama of 1901, relating to Calhoun County; providing for fire protection in the county; levying a special property tax for fire protection; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments; providing for expenditure and accounting of the funds; providing for the tax to end upon dissolution of the Calhoun County Volunteer Firefighters' Association; granting immunity from certain liability to the county; and providing for a referendum on this amendment.

The above bill was read a second time at length as required by the Constitution.

Representative Hall (A), Chairperson of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 469. (With Substitute) (With Amendments): Proposing an amendment to Amendment 334 of the Constitution of Alabama of 1901, relating to the Madison County Judicial Commission; specifying the membership, powers, and method of operation of the commission.

The above bill was read a second time at length as required by the Constitution.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 50. (With Amendment): To allow certain active and contributing members of the Teachers' Retirement System to purchase up to a certain amount of service credit in the retirement system for service rendered to the United States Peace Corps subject to certain conditions.

H. 51. (With Amendment): To amend Sections 41-9-781 and 41-9-782, Code of Alabama 1975, to provide further for the receipt and disbursement of certain funds by the Tennessee Valley Exhibit Commission and the members of the commission.

H. 214. (With Amendment): To amend Sections 16-6B-2, 16-6B-8, 16-13-232, 16-13-234, and 16-13-236, Code of Alabama 1975, to define vocational/technical education, vocational/technical instructor, and vocational support personnel; to increase the base amount of state funds spent by local school boards for vocational/technical education each year by the same percentage as teacher salaries; to provide that each comprehensive high school receiving a vocational counselor unit in 1994-95 earn a vocational director/administrator and a vocational counselor; to provide for the allocation of funds from the public school fund to area vocational centers and comprehensive high schools beginning in the fiscal year 1996-97; and to provide that funds received from the state by local boards of education for vocational/technical education be used only for vocational/technical education or vocational support personnel and that any remaining funds revert to the Alabama Special Educational Trust Fund for allocation toward instructional support costs of vocational/technical education.

H. 496. (With Amendment): To reopen the Employees' Retirement System for purchase of prior service credit by an active and contributing member of the Cooperative Extension Service of Auburn University; to provide for the cost of purchasing the prior service credit; and to provide for the expiration of this act.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 504. To amend Sections 34-8-1, 34-8-2, 34-8-4, 34-8-6, 34-8-7, 34-8-8, 34-8-9, 34-8-20, 34-8-22, 34-8-24, and 34-8-28 of the Code of Alabama 1975, relating to the contractors licensing board; to further define the term general contractor; to provide for the licensing of subcontractors; to remove the requirement that the Governor may remove a board member at any time; to provide further for licensing fees, disciplinary procedures and fines, advertisements for bids, notice of meetings, compensation and expenses of members of the board, and certain allocations to public institutions of higher learning; and to provide for penalties.

H. 572. To provide distinctive motor vehicle license tags or plates for supporters of the Children's Trust Fund; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Fuller, the rules were suspended in order to permit the Standing Committee on Ways and Means to report later in the day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 178. EXPRESSING APPRECIATION TO THE GEORGIA LEGISLATURE FOR REVIEWING THE FORSYTH COUNTY, GEORGIA, SEWAGE DISPOSAL PROPOSAL.

Also:

H.J.R. 220. COMMENDING LIEUTENANT FRANK JACKSON ON HIS OUTSTANDING CAREER ACHIEVEMENTS.

Also:

H.J.R. 221. COMMENDING MERCEDES-BENZ U.S. INTERNATIONAL AND ITS PRESIDENT AND CEO, ANDREAS RENSCHLER.

Also:

H.J.R. 222. COMMENDING LEON DOUGLAS ON HIS INDUCTION INTO THE ALABAMA SPORTS HALL OF FAME.

Also:

H.J.R. 223. MOURNING THE DEATH OF CECIL MAXIE JONES, SR. OF PRATTVILLE, ALABAMA.

Also:

H.J.R. 224. COMMENDING DR. DANNY BLANCHARD FOR OUTSTANDING SERVICE TO THE HUNTSVILLE COMMUNITY AND STATE OF ALABAMA.

Also:

H.J.R. 225. HONORING MRS. MAUDE EVELYN MCINTOSH DEAS ON THE OCCASION OF HER BIRTHDAY.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 234. COMMENDING OSCAR VICKERY FOR HIS PROFESSIONAL ACHIEVEMENTS.

Also:

H.J.R. 235. COMMENDING THE FORT DALE-SOUTH BUTLER ACADEMY LADY EAGLES ON THEIR STATE BASKETBALL CHAMPIONSHIP.

Also:

H.J.R. 236. COMMENDING THE REVEREND PHILLIP V. RUSHING FOR DEDICATED CHRISTIAN SERVICE.

Also:

H.J.R. 237. MOURNING THE DEATH OF BRYAN HARRIS OF BIRMINGHAM, ALABAMA.

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Also:

H.J.R. 238. COMMENDING WILLIAM FLOYD CLIPSON FOR HIS OUT-
STANDING CIVIC AND PROFESSIONAL SERVICES.

Also:

H.J.R. 239. COMMENDING DANIEL GEARY FOR HIS HEROIC ACTIONS.

Also:

H.J.R. 240. CONGRATULATING COLBY AND KATIE BYNON ON THE
BIRTH OF A SON, HUNTER COLBY BYNON.

McDOWELL LEE
Secretary

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Clouse:

H. 652. To amend Sections 18-1A-3, 18-1A-276, 18-1A-291, and 18-1A-293, Code of Alabama 1975, relating to eminent domain, in order to clarify the definition of a condemnation action; to provide further for costs associated with a condemnation action; and to eliminate the 30-day time limitation within which a probate court is required to conduct a hearing after the filing of a condemnation complaint.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Johnson (R):

H. 653. To amend Section 38-7-5 of the Code of Alabama 1975, to provide for the provisional approval of foster family homes.

COMMITTEE ON HEALTH

By Representative Thomas (D):

H. 654. Relating to the education of inmates; to prohibit any post secondary institution which exclusively provides educational support to inmates from being accredited, recognized, or funded by the State Board of Education.

COMMITTEE ON WAYS AND MEANS

By Representative Thomas (D):

H. 655. To make it a crime for a person to offer or consent to perform an act of sexual intercourse for a thing of value, or to solicit sexual intercourse by offering a thing of value; and to provide penalties.

COMMITTEE ON JUDICIARY

By Representative Thomas (D):

H. 656. To provide for the licensing, operation, and regulation of massage parlors; and to provide penalties for violations.

COMMITTEE ON JUDICIARY

By Representative Thomas (D):

H. 657. To prohibit prostitution, pandering, and certain additional acts related to prostitution under state law; and to provide penalties for violations.

COMMITTEE ON JUDICIARY

By Representatives Parker (T) and Allen:

H. 658. To amend Sections 11-44B-6 to 11-44B-7, inclusive, Code of Alabama 1975, to provide further for the procedures of operation of mayor-council form of government adopted by Class 4 municipalities pursuant to Section 11-44B-1, et seq., Code of Alabama 1975.

COMMITTEE ON LOCAL LEGISLATION NO. 6

By Representative Robinson:

H. 659. To amend Section 22-1-11 of the Code of Alabama 1975, relating to making false statement or representation of material fact in claim for medicaid benefits; to provide that the felony offense of medicaid fraud is not complete unless and until a false claim is received by the medicaid agency or the contractor.

COMMITTEE ON JUDICIARY

By Representative Wren (With Notice and Proof):

H. 660. Relating to Montgomery County; authorizing the Sheriff to operate a jail store/commissary for inmates; providing for the deposit of monies earned; providing for the distribution and auditing of monies earned; providing for an effective date.

COMMITTEE ON LOCAL LEGISLATION NO. 5

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 660, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Wren (With Notice and Proof):

H. 661. Relating to Montgomery County; providing further for the compensation of the elected official in the position of sheriff.

COMMITTEE ON LOCAL LEGISLATION NO. 5

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 661, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Johnson (R):

H. 662. Prohibiting the sale or offer for sale of a ticket to an athletic or other entertainment event for an excessive price and prescribing penalties for violations, effective August 1, 1995.

COMMITTEE ON TOURISM, ENTERTAINMENT
AND SPORTS

By Representative Fuller:

H. 663. To amend Sections 16-8-42 and 16-11-27, Code of Alabama 1975, to require local boards of education to fully insure all school buildings and property, equipment, furniture and supplies.

COMMITTEE ON WAYS AND MEANS

By Representative Hill (With Notice and Proof):

H. 664. Relating to the City of Alabaster in Shelby County; to amend Section 5 of Act No. 93-493, H. 742 of the 1993 Regular Session (Acts 1993, p. 789), relating to the Personnel Director of the City of Alabaster; to provide that the personnel director would be appointed by the personnel board.

COMMITTEE ON LOCAL LEGISLATION NO. 7

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 664, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Hill (With Notice and Proof):

H. 665. Relating to Shelby County; amending Act No. 87-768, 1987 Regular Session, which levies a lodgings tax in the county, to provide further for the collection of the tax.

COMMITTEE ON LOCAL LEGISLATION NO. 7

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 665, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Fuller:

H. 666. To amend Section 36-7-21, Code of Alabama 1975; to exempt the personnel of community, junior, and technical colleges from receiving reimbursement for travel expenses incurred outside of the state.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 667. To amend Sections 40-21-83 and 40-21-103, Code of Alabama 1975; to provide further for specific exclusions from the gross receipts of utilities.

COMMITTEE ON WAYS AND MEANS

By Representatives Baker, Clouse, Spratt, Johnson (E), Seibenhener, Dean, Houston, Jackson, Melton, Hilliard, Pringle, Gaston, and Gipson:

H. 668. To establish the Alabama Alcoholic Beverage Control Board as the state agency responsible for regulating and enforcing state and federal laws prohibiting the sale of tobacco or tobacco products to minors; to provide permits for the distribution of tobacco or tobacco products; to authorize the Alabama Alcoholic Beverage Control Board to promulgate rules and regulations; and to provide penalties for violations.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Hall (A), Drake, Papucci, Turner, Hinshaw, Payne, Dean, Hall (L), Laird, Millican, Hooper, and Morrison:

H. 669. To amend Section 11-43-143 of the Code of Alabama 1975, relating to employee organizations of fire fighters to provide a procedure for a written response from the employing governing body to proposals from fire fighters.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Gaines, Hawkins, and Curry:

H. 670. To exempt the Hoover City Schools Foundation from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Papucci and Morrison:

H. 671. To amend Section 32-5A-245 of the Code of Alabama 1975, to require motorcycle riders to wear shoes and proper headgear while riding on a motorcycle; and to provide that this section shall apply only to motorcycle riders under the age of 21.

COMMITTEE ON HIGHWAY SAFETY

By Representative Knight (J):

H. 672. To provide that specific appropriations may be authorized by the Legislature and that no transfers or changes may be authorized by the Director of Finance or the Governor.

COMMITTEE ON WAYS AND MEANS

By Representative Hill:

H. 673. Establishing the Alabama Home Inspectors Registration Act; to provide for the registration and qualifications of home inspectors in the state; and to provide civil sanctions and penalties for violations.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Carothers, Clouse, and Baker:

H. 674. To amend Section 36-27-52, Code of Alabama 1975, to provide an exception to mandatory participation in the Employees' Retirement System for a court reporter previously employed on a certain date, who did not elect to be covered by the Employees' Retirement System and who, after a lapse in service, was reemployed as an official court reporter.

COMMITTEE ON WAYS AND MEANS

By Representative Hooper:

H. 675. Relating to Alabama Legislative Commission on Total Quality Government Act of 1994; to amend Sections 41-9-941, 41-9-943, and 41-9-944, Code of Alabama 1975; to further provide for the objectives and duties of the commission and per diem and travel expenses of the commission members.

COMMITTEE ON WAYS AND MEANS

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By Representative Hooper:

H. 676. Providing for distinctive motor vehicle license tags or plates for members of the Knights of Columbus; prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives Carothers, Johnson (R), and Hammett:

H. 677. To amend Section 26-1-2, Code of Alabama 1975, relating to durable powers of attorney; authorizing the appointment of an attorney in fact to make health care decisions on behalf of a principal in the event that the principal can no longer make or communicate those decisions.

COMMITTEE ON HEALTH

By Representative Hill (With Notice and Proof):

H. 678. Relating to Shelby County; amending Act No. 81-461, H. 933, 1981 Regular Session, to provide further for the collection of the existing sales and use tax; and to repeal Act No. 95-371, H. 557 of the 1995 Regular Session, relating to the collection of the existing sales and use tax.

COMMITTEE ON LOCAL LEGISLATION NO. 7

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 678, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Hill (With Notice and Proof):

H. 679. Relating to Shelby County; to provide for an additional expense allowance for the board of equalization.

COMMITTEE ON LOCAL LEGISLATION NO. 7

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 679, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Jorgensen, Hinshaw, Papucci, Haney, Sanderford, Thomas (D), Hill, Morrow, Page, Carns, Sanderson, Townsend, and Hawkins:

H. 680. To amend Sections 41-10-390, 41-10-391, 41-10-395, and 41-10-396 of the Code of Alabama 1975, relating to the Alabama Supercomputer Authority, to provide further for the name of the authority, the purpose of the authority, the board of directors of the authority, and certain powers of the authority.

COMMITTEE ON WAYS AND MEANS

By Representative Dolbare (With Notice and Proof):

H. 681. Relating to Washington County; to further provide for the operation of the county commission; to provide further for the compensation of the commission; to provide for a centralized road system for the operation of the county roads and bridges; to provide for the employment of a county engineer; to provide for the continual supervision of the roads and bridges by the commission; to repeal conflicting laws; and to provide for a referendum.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 681, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Carothers and Johnson (R):

H. 682. To provide for a FY 1995-96 supplemental appropriation in the amount of \$150,000 from the Board of Cosmetology Fund to the Alabama Board of Cosmetology.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller and Turner:

H. 683. To make an appropriation of \$366,000 from the Education Trust Fund for the support and maintenance of Southwest School for Deaf and Blind for the fiscal year ending September 30, 1997, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 12. To amend Section 41-23-30, Code of Alabama 1975; to provide additional tax exemptions for certain eligible businesses under the Alabama Enterprise Zone Act.

McDOWELL LEE
Secretary

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Burke, the Budget Isolation Resolution relating to the bill, H. 554, was adopted.

Yeas 42; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Burke, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dukes, Ford, Gaston, Gipson, Guin, Hammett, Hayden, Hill, Hogan, Johnson (E), Johnson (R), Knight (A), Layson, Lindsey, Moore, Morrow, Morton, Newton (C), Page, Parker (T), Payne, Reed, Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Townsend, Vance, Venable, Warren and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 554. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Ider in Dekalb County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Burke, Carns, Carothers, Carter, Curry, Ford, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Hawkins, Hill, Hinshaw, Hogan, Johnson (E), Johnson (R), Knight (A), Laird, Layson, Lindsey, Millican, Morrow, Morton, Murphree, Page, Papucci, Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderson, Sims, Smith, Thomas (D), Townsend, Turner, Venable, Warren and Willis.

-46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 500 CONTESTED

Representative Flowers lodged a contest relating to the Budget Isolation Resolution and the bill, H. 500.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (T), the Budget Isolation Resolution relating to the bill, H. 626, was adopted.

Yeas 46; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Burke, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dukes, Flowers, Gaston, Gipson, Guin, Hammett, Hayden, Hinshaw, Hogan, Johnson (E), Johnson (R), Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, Millican, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Petelos, Pringle, Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (D), Vance, Warren and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 626 INDEFINITELY POSTPONED

On motion of Representative Parker (T), the bill:

H. 626. To amend Sections 11-44B-6 to 11-44B-7, inclusive, Ala. Code (1975), to provide further for the procedures of operation of mayor-council form of government adopted by Class 4 municipalities pursuant to Section 11-44B-1, et seq., Ala. Code (1975).

was indefinitely postponed.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (T), the Budget Isolation Resolution relating to the bill, H. 627, was adopted.

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Allen, Box, Carothers, Carter, Clouse, Collins, Curry, Dean, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Haney, Hayden, Hill, Hinshaw, Hogan, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Layson, Lindsey, McMillan, Minnifield, Moore, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Petelos, Pringle, Rogers (M), Seibenhener, Smith, Turner, Vance, Venable, Warren and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 627. To amend Section 11-44B-8, Code of Alabama 1975, as follows:

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Box, Burke, Carothers, Carter, Clouse, Collins, Curry, Dean, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Layson, Lindsey, McDaniel, Melton, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Petelos, Pringle, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Venable, Warren and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Hill:

S. 19. To amend Section 40-26-1, Code of Alabama 1975, relating to the state transient occupancy tax, to provide that tuition and fees charged by summer camps and similar conference facilities providing programs for children, certain students, and members or guests of certain nonprofit organizations are exempt from the transient occupancy tax; and to provide a retroactive effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 19. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Bailey:

S. 156. Providing that all deferred compensation plans for public and private employees shall receive the same tax deferred treatment for state income tax purposes which the plan receives from the Internal Revenue Service for federal income tax purposes.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 156. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Bailey:

S. 67. Relating to insurance; to require that certain persons employed as insurance agents, service representatives, or brokers of insurance by insurers take continuing education courses; to establish standards for continuing education programs; to provide certain exceptions; to provide for an advisory committee to the commissioner of insurance relative to continuing education programs and other insurance matters; to provide for compliance form filing fees and late filing fees to be paid by agents, service representatives, and brokers, education course provider filing and renewal fees, and an education course or program approval filing fee, and that all of these fees be deposited in the State Treasury to the credit of a fund to be known as the "Insurance Agents and Brokers Continuing Education Fund," created by this act, from which the expenses of operating the Continuing Education Unit and regulatory purposes of the Agents' Licensing Division of the Department of Insurance shall be paid; to provide for appropriating those sums for

expenses incurred by the unit; to provide for balances in the fund to carry forward the first fiscal year after the effective date of this act and thereafter to provide for a percentage of the unencumbered balances in the fund at the end of the fiscal year to revert to the State General Fund; and to specifically authorize the Commissioner of Insurance to conduct background investigations, to include criminal history inquiries, for all applicants for license as an insurance agent or a broker prior to the issuance of the license.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 67. Insurance.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Mitchem:

S. 238. To amend Section 16-25A-17, Code of Alabama 1975, as amended by Act No. 95-538, 1995 Regular Session, relating to the Public Education Employees' Health Insurance Program, to allow the Public Education Employees' Health Insurance Board to provide additional funding for retirees.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 238. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Escott-Russell:

S. 399. To provide for the purchase of credit under the Employees' Retirement System of Alabama by active and contributing members of the system for employment as a temporary state employee, to further provide a method of payment where the member pays the total cost of the credit, and to provide for termination.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 399. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Myers, Amari, Hill, Dixon, Adams, Dial, Armistead, and Waggoner:

S. 272. To amend Sections 12-15-1 and 12-15-58 of the Code of Alabama 1975, to exclude the violation of juvenile curfew ordinances from the definition of a delinquent act; and to provide that a child being held for the violation of a municipal curfew ordinance be held in a curfew detention facility.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 272. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Bailey:

S. 164. Amending Section 30-5A-3, Code of Alabama 1975, relating to protection orders in certain instances regarding domestic violence; providing certain criminal penalties for violating such an order.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 164. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Freeman:

S. 207. To provide for the operation and use of coin-operated games or devices designed and manufactured for bona fide amusement purposes and provide penalties for violations.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 207. Tourism, Entertainment and Sports.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey:

S. 66. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Department of Insurance.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 66. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey:

S. 68. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Public Accountancy.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 68. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey:

S. 69. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alcoholic Beverage Control Board.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 69. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey:

S. 70. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Auctioneers.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 70. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Windom:

S. 217. Repealing Article 6 of Title 7 of the Code of Alabama 1975, commonly referred to as the Bulk Transfers Article of the Uniform Commercial Code.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 217. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Little:

S. 351. To authorize any juvenile court to require the parents or legal guardian of a child who has been declared a delinquent child and placed on probation by the court to assist the court in ensuring that the child complies with the terms of probation, and would provide for penalties and exemptions.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 351. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Adams:

S. 27. To amend Section 32-14-5 of the Code of Alabama 1975, to exempt driver improvement schools operated by the American Association of Retired Persons from the Driver Training School License Act.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 27. Highway Safety.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Amari:

S. 38. To amend Sections 25-4-10 and 25-5-50, Code of Alabama 1975, relating to exclusions from the definition of employment for state unemployment compensation and workers compensation purposes, respectively; to clarify and confirm the Legislature's intent that certain product demonstrators shall be considered self-employed independent contractors for purposes of determining eligibility for state unemployment and workers compensation, and not as employees; and to provide for a retroactive effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 38. Business and Labor.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Figures (With Notice and Proof):

S. 40. Relating to the City of Prichard; providing that the Prichard City Council shall meet not less than 48 times per year.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 40, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 40. Local Legislation No. 3.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Figures:

S. 41. Relating to Workers' Compensation; to provide for compensation for death of a person 21 years old or younger.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 41. Insurance.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Figures:

S. 42. To amend Sections 32-6-300 and 32-6-301 of the Code of Alabama 1975, by providing that owners of all motor vehicles may purchase the "Helping Schools" tags, and providing further that the purchasers of the tags may designate the school district to receive the proceeds of the sale of the tags.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 42. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Figures:

S. 45. To provide for a home weatherization assistance program; and to create the Neighbors Helping Neighbors Fund; and to provide that the Department of Economic and Community Affairs will administer the monies.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 45. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Figures:

S. 46. To amend Section 12-17-40, Code of Alabama 1975, relating to supernumerary circuit judges, to provide further for the individuals who may qualify as supernumerary judges.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 46. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Mitchell:

S. 126. To amend Section 17-9-5, Code of Alabama 1975, relating to voting machines, to authorize a county or city governing body to discontinue the use of voting machines by resolution and to validate certain actions taken by county commissions and municipalities; and to further provide for the payments for the sale or rental of voting machines or equipment to the governmental entity owning the machines.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 126. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Mitchell:

S. 128. To provide for the establishment of a putative father registry by the Department of Human Resources and to provide for the content of the registry and its use in court proceedings.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 128. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Mitchell:

S. 129. Relating to general provisions under contracts; to provide that a party to a contract required to reimburse another party for certain federal manufacturer's taxes has an option to time those payments to precede immediately the other party's requirement to remit such taxes to the Internal Revenue Service; to provide for a right to security under contracts for payment of such taxes; and to provide for an effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 129. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Langford:

S. 139. To amend Section 40-17-174, Code of Alabama 1975, relating to oil license fees, to provide for a one-time collection of the wholesale oil license fee.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 139. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator McClain:

S. 141. To provide a civil remedy for the abatement of drug-related nuisances; to make legislative findings; to define certain terms; to set out adverse impacts of drug-related nuisances; to require notice to owners of property where drug-related nuisances occur; to provide jurisdiction in circuit courts; to provide standing to certain officials and private parties who may institute drug-related nuisance proceedings; to provide for hearings on preliminary injunctions; to provide for ex parte restraining orders, civil penalties, and protection of witnesses; to provide that a drug conviction not be required; to provide for security bonds and limitations thereof; to permit use of evidence of the general reputation of the property of the defendant to prove nuisance to authorize judgments and remedies; to define burden of proof required; to prohibit punitive damages; to set out factors which may be considered in determining existence of a drug nuisance; to provide for punishment for contempt and for violations of court orders; to provide for cancellation of court orders and circumstances therefor; to provide for award of costs and attorney fees for frivolous and bad faith proceedings brought by private parties; and to provide for severability.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 141. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Steele, Butler, Clay, Smitherman, and McClain:

S. 145. To amend Section 12-15-65 of the Code of Alabama 1975, as

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amended by Act No. 95-545, H. 525, 1995 Regular Session (Acts 1995, p. 1143), relating to the conduct of a hearing in juvenile court, to allow victims of a delinquent act to be present in any court exercising any jurisdiction over a delinquent act and to be seated at the counsel table of the prosecutor.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 145. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Steele, Langford, Davidson, Butler, Clay, Smitherman, and McClain:

S. 146. To amend Section 14-9-42 of the Code of Alabama 1975; to allow deductions from sentences pursuant to Section 14-9-42 of the Code of Alabama 1975 for time served on parole; and to provide that this provision would apply to persons currently on parole for time served on parole.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 146. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Ghee:

S. 182. To amend Section 32-5A-191 of the Code of Alabama 1975, as amended by Act No. 95-784, S. 338, 1995 Regular Session (Acts 1995, p. 1862), relating to driving under the influence of alcohol and drugs; to prohibit the operation of a motor vehicle by a person who is under the legal drinking age and has .02 percent or more by weight of alcohol in his or her blood.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 182. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Bedford and Lindsey:

S. 194. To amend Sections 6-5-548 and 6-5-549, Code of Alabama 1975; to further provide for similarly situated health care providers; to prohibit discovery of the limits of liability insurance coverage in certain legal actions against health care providers; to provide which health care providers may testify as specialists; and to require that a jury shall be reasonably satisfied by substantial evidence that the standard of care was breached and that the breach caused the injury before returning a verdict against a health care provider.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 194. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Lindsey:

S. 199. To repeal Section 9-11-49.2, Code of Alabama 1975, relating to the treatment of certain nonresidents paying a certain amount of ad valorem property taxes as Alabama residents for the purpose of purchasing certain hunting licenses.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 199. Agriculture, Forestry and Natural Resources.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Freeman:

S. 203. To provide that county commissions may collect or contract for the collection of local taxes that are authorized to be levied by a general or local act.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 203. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Freeman:

S. 206. To amend Sections 41-10-390, 41-10-391, 41-10-395, and 41-10-396 of the Code of Alabama 1975, relating to the Alabama Supercomputer Authority, to provide further for the name of the authority, the purpose of the authority, the board of directors of the authority and certain powers of the authority.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 206. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Freeman:

S. 208. To amend Section 32-5A-191 of the Code of Alabama 1975, as amended by Act No. 95-784, S. 338, 1995 Regular Session (Acts 1995, p. 1862), relating to driving under the influence of alcohol and drugs; to prohibit the operation of a motor vehicle by a school bus or day care driver who has greater than .02 percent by weight of alcohol in his or her blood; and to provide penalties.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 208. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bedford:

S. 243. Relating to the suspension of driving privileges for certain alcohol related actions; specifying the suspension procedure and duration; specifying a hearing and appeal process; and specifying a prospective effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 243. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Adams, Smith, and Armistead:

S. 265. To amend Section 13A-10-38 of the Code of Alabama 1975, relating to the crime of promoting prison contraband in the third degree; to make the possession or introduction of any currency or coin not authorized by the written policies of the Department of Corrections, within any state detention facility, unlawful and punishable as a Class B misdemeanor under the contraband prohibition; to authorize the Department of Corrections to confiscate and liquidate

any currency or coin contraband found on or in the possession of any inmate of the Department of Corrections; to provide that the net proceeds from the currency or coin contraband confiscated or liquidated shall be deposited in the operating fund for the department; and to provide for supplemental effect.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 265. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Denton:

S. 276. To amend Section 32-6-49.13, Code of Alabama 1975, to require that a chemical test be administered if a law enforcement officer has probable cause to believe that a commercial vehicle driver is operating a commercial motor vehicle while having alcohol or drugs in his or her system.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 276. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

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By Senator Sanders:

S. 281. To designate U. S. Highway 80 from Selma to Montgomery and Alabama Highway 14 from Selma to Marion the "International Voting Rights Trail"; and to create the International Voting Rights Trail Commission and provide for its membership and duties.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 281. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Bailey:

S. 294. To provide that a person who operates a motor vehicle on the public highways of this state who is involved in an accident that results in serious physical injury shall be required to submit to a blood test to determine the content of alcohol or controlled substance in his or her blood if the law enforcement officer has reasonable grounds to believe that the person was operating a motor vehicle while under the influence of these substances; to provide for a penalty for refusal to submit to a test; and provides for a due process hearing for relief from the penalties imposed.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 294. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Lindsey:

S. 300. Proposing an amendment to the Constitution of Alabama of 1901, to phase out existing supernumerary programs and provide that public officials may participate in the Employees' Retirement System of Alabama.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read a first time at length as required by the Constitution and referred to the Standing Committee as follows:

S. 300. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Langford:

S. 427. To exempt the Government Management Information Users Group, Alabama Chapter, from the payment of all state, county, and municipal sales and use taxes.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 427. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Freeman:

S. 464. To amend Sections 34-8-1, 34-8-2, 34-8-4, 34-8-6, 34-8-7, 34-8-8, 34-8-9, 34-8-20, 34-8-22, 34-8-24, and 34-8-28 of the Code of Alabama 1975, relating to the contractors licensing board; to further define the term general contractor; to provide for the licensing of subcontractors; to remove the requirement that the Governor may remove a board member at any time; to provide further for licensing fees, disciplinary procedures and fines, advertisements for bids, notice of meetings, compensation and expenses of members of the board, and certain allocations to public institutions of higher learning; and to provide for penalties.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 464. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Clay, Steele, Barron, Davidson, Butler, Bailey, Adams, Freeman, Hale, Smith, Smitherman, Escott-Russell, Roberts, Myers, Biddle, Windom, Figures, and Dial:

S. 425. Providing for the rights and obligations of innkeepers and guests relating to their ability to pay, the right of innkeepers to refuse accommodation, the maintenance of a guest register, the right to eject persons from the premises, and providing for penalties.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 425. Tourism, Entertainment and Sports.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill and House Joint Resolutions, to-wit:

H. 12. To amend Section 41-23-30, Code of Alabama 1975; to provide additional tax exemptions for certain eligible businesses under the Alabama Enterprise Zone Act.

Also:

H.J.R. 178. EXPRESSING APPRECIATION TO THE GEORGIA LEGISLATURE FOR REVIEWING THE FORSYTH COUNTY, GEORGIA, SEWAGE DISPOSAL PROPOSAL.

Also:

H.J.R. 220. COMMENDING LIEUTENANT FRANK JACKSON ON HIS OUTSTANDING CAREER ACHIEVEMENTS.

Also:

H.J.R. 221. COMMENDING MERCEDES-BENZ U.S. INTERNATIONAL AND ITS PRESIDENT AND CEO, ANDREAS RENSCHLER.

Also:

H.J.R. 222. COMMENDING LEON DOUGLAS ON HIS INDUCTION INTO THE ALABAMA SPORTS HALL OF FAME.

Also:

H.J.R. 223. MOURNING THE DEATH OF CECIL MAXIE JONES, SR. OF PRATTVILLE, ALABAMA.

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Also:

H.J.R. 224. COMMENDING DR. DANNY BLANCHARD FOR OUTSTANDING SERVICE TO THE HUNTSVILLE COMMUNITY AND STATE OF ALABAMA.

Also:

H.J.R. 225. HONORING MRS. MAUDE EVELYN MCINTOSH DEAS ON THE OCCASION OF HER BIRTHDAY.

Also:

H.J.R. 234. COMMENDING OSCAR VICKERY FOR HIS PROFESSIONAL ACHIEVEMENTS.

Also:

H.J.R. 235. COMMENDING THE FORT DALE-SOUTH BUTLER ACADEMY LADY EAGLES ON THEIR STATE BASKETBALL CHAMPIONSHIP.

Also:

H.J.R. 236. COMMENDING THE REVEREND PHILLIP V. RUSHING FOR DEDICATED CHRISTIAN SERVICE.

Also:

H.J.R. 237. MOURNING THE DEATH OF BRYAN HARRIS OF BIRMINGHAM, ALABAMA.

Also:

H.J.R. 238. COMMENDING WILLIAM FLOYD CLIPSON FOR HIS OUTSTANDING CIVIC AND PROFESSIONAL SERVICES.

Also:

H.J.R. 239. COMMENDING DANIEL GEARY FOR HIS HEROIC ACTIONS.

Also:

H.J.R. 240. CONGRATULATING COLBY AND KATIE BYNON ON THE BIRTH OF A SON, HUNTER COLBY BYNON.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill and the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 245. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the tenth legislative day, Tuesday, March 12, 1996, taking precedence over the regular order of business or any pending or unfinished business:

And the Following Bills:

Inst Id	Page
H. 84 - By Venable (As Amended and Substituted)	40
Elections, requirements for counting and authenticating absentee ballots, provided, Secs. 17-10-7, 17-10-9, 17-10-10 am'd.	
H. 507 - By Venable (As Amended)	41
Voter identification, procedure estab.	
H. 155 - By Hawkins (As Substituted)	13
Paternity, putative father registry, Human Resources Dept. to estab.	

Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the following bills:

H. 334 - By Kennedy	24
America's Junior Miss Pageant, approp.	

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H. 555 - By Fuller (As Substituted)

49

Sentencing Institute, approp.

H. 286 - By Johnson (E)

23

Good Samaritan Act am'd. to remove the req. for first aid and care to be given at scene for exemption from liability, Sec. 6-5-332 am'd.

H. 404 - By Gaines

42

Uniform Commercial Code, Bulk Transfers Article, repealed, Secs. 7-6-101, 7-6-102, 7-6-103, 7-6-104, 7-6-105, 7-6-107, 7-6-108, 7-6-109, 7-6-110, 7-6-111 repealed

H. 569 - By Layson

67

Motor vehicles, load extending four feet beyond, orange flag or an amber strobe light, auth., Sec.32-5-211 am'd.

H. 200 - By Johnson (R) (As Amended)

30

Drivers' licenses, restriction denying license to cert. persons for mental health reasons deleted, Sec. 32-6-7 am'd.

H. 190 - By McKee

60

Deceptive trade practices, enhanced penalties, Sec. 8-19-12 am'd.

H. 564 - By Lindsey

68

Farmers' Market Authority, duties, membs., funds, alt., Secs. 2-5-1, 2-5-2, 2-5-14, 2-5-16 am'd.

H. 534 - By Galliher

75

Motor vehicle driver's licenses, reciprocal agreements with other countries by Public Safety Dept., Sec. 32-6-10 am'd.

H. 546 - By McDaniel

76

National Highway System highways, outdoor advertising reg., spacing of signs and conversion of spacing measurements to metric system, Secs. 23-1-271 to 23-1-274, 23-1-278 to 231-280 am'd.; Act 95-566, 1995 Reg. Sess. am'd.

H. 368 - By Payne

55

Mental health and mental retardation, involuntary commitment, respondent's copy of petition to exclude home address and telephone number of petitioner, Sec. 22-52-1.2 am'd.

H. 8 - By Morrison (As Substituted)

54

Rape, when victim is under 16 yrs. of age, confined to nursing home or mental institution, min. sentence to be 25 years, Sec. 13A-6-1 am'd.

H. 545 - By McDaniel

68

Transportation Dept., insurance for on-job injuries, alt., Secs. 36-29A-2, 36-29A-7 am'd.

On motion of Representative Carter, the resolution, H.R. 245, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

H. 84 TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the bill, H. 84, and the pending substitute and amendment reported by the Standing Committee on Constitution and Elections were temporarily carried over at the request of Representative Venable.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 507, were temporarily carried over at the request of Representative Venable.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

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By Representative Turner:

H.R. 246. COMMENDING GERALDINE POWLEY ON HER CAREER ACCOMPLISHMENTS.

Also:

By Representatives Parker (T), Melton and Allen:

H.R. 247. COMMENDING THE CENTRAL HIGH SCHOOL LADY FALCONS ON THEIR CLASS 6A FINAL FOUR CHAMPIONSHIP.

Also:

By Representative Hammett:

H.R. 248. HONORING MRS. NOBIE DIAMOND ON THE OCCASION OF HER 88TH BIRTHDAY.

Also:

By Representative Turner:

H.R. 249. COMMENDING BETTY RAMEY ON HER CAREER ACCOMPLISHMENTS.

Also:

By Representative Turner:

H.R. 250. COMMENDING MAUDE LEWIS-GALLANT ON HER CAREER ACCOMPLISHMENTS.

Also:

By Representative Parker (T):

H.R. 251. COMMENDING KEVIN BURGESS OF TUSCALOOSA, ALABAMA, FOR OUTSTANDING HEROISM.

Also:

By Representative Parker (T):

H.R. 252. COMMENDING JOHN HAMNER OF TUSCALOOSA, ALABAMA, FOR OUTSTANDING HEROISM.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hawkins, the Budget Isolation Resolution relating to the bill, H. 155, was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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RESOLUTIONS

The following resolutions were introduced:

By Representatives Parker (T), Melton and Allen:

H.J.R. 253. COMMENDING THE CENTRAL HIGH SCHOOL LADY FALCONS ON THEIR CLASS 6A FINAL FOUR CHAMPIONSHIP.

The resolution, H.J.R. 253, was read and referred to the Standing Committee on Rules.

Also:

By Representative Wren:

H.J.R. 254. COMMENDING THE HOLTVILLE HIGH SCHOOL BOYS BASKETBALL TEAM, AND DESIGNATING APRIL 26, 1996, AS HOLTVILLE HIGH SCHOOL BULLDOG DAY IN THE STATE OF ALABAMA.

The resolution, H.J.R. 254, was read and referred to the Standing Committee on Rules.

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Also:

By Representative Wren:

H.J.R. 255. COMMENDING JAMES A. FINDLEY AND DESIGNATING APRIL 26, 1996, AS JAMES A. FINDLEY DAY IN THE STATE OF ALABAMA.

The resolution, H.J.R. 255, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Sanderford, Haney, Papucci, Hinshaw, Jorgensen, Hall (L) and Hall (A):

H.J.R. 256. COMMENDING G. P. BRIDWELL, DIRECTOR OF NASA'S MARSHALL SPACE FLIGHT CENTER, FOR DISTINGUISHED SERVICE.

The resolution, H.J.R. 256, was read and referred to the Standing Committee on Rules.

Also:

By Representative Rogers (J):

H.J.R. 257. COMMENDING WBMG-TV AS RECIPIENT OF THE 1995 CBS EXCELLENCE IN COMMUNITY SERVICE AWARD.

The resolution, H.J.R. 257, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Rogers (J):

H.R. 258. COMMENDING WBMG-TV AS RECIPIENT OF THE 1995 CBS EXCELLENCE IN COMMUNITY SERVICE AWARD.

H. 155 TAKEN UP

And the bill:

H. 155. (With Substitute): To provide for the establishment of a putative

father registry by the Department of Human Resources and to provide for the content of the registry and its use in court proceedings.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for the establishment of a putative father registry by the Department of Human Resources and to provide for the content of the registry and its use in court proceedings.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA;

Section 1. (a) The Department of Human Resources shall establish a putative father registry which shall record the names, social security number, date of birth, and addresses of the following:

(1) Any person adjudicated by a court of this state to be the father of a child born out of wedlock.

(2) Any person who has filed with the registry before or after the birth of a child born out of wedlock, a notice of intent to claim paternity of the child, which includes the information required in Section (c) below.

(3) Any person adjudicated by a court of another state or territory of the United States to be the father of a child born out of wedlock, where a certified copy of the court order has been filed with registry by the person or any other person.

(4) Any person who has filed with the registry an instrument acknowledging paternity pursuant to Section 26-11-1 to 26-11-3, inclusive, Code of Alabama 1975.

(b) The clerk of the court which determines a man to be the father of a child born out of wedlock shall immediately notify the Department of Human Resources of the determination of paternity and include therein the information required under subsection (c) below.

(c) A person filing a notice of intent to claim paternity of a child or an acknowledgment of paternity shall include all of the following:

(1) The father's name, social security number, date of birth, and current address.

(2) The mother's name, including all other names known to the putative father that have been used by the mother, social security number, date of birth, and address, if known.

(3) The father's current income and financial information by attaching a Child Support Obligation Income Statement/Affidavit form to be prescribed by regulations of the department.

(4) The child's name and place of birth, if known.

(5) The possible date or dates of sexual intercourse.

The person filing shall notify the registry of any change of address pursuant to the procedures prescribed by regulation of the department. The registration must be on a form prescribed by the department and signed by the putative father and notarized.

The putative father may file his notice of intent to claim paternity prior to the birth of the child.

(d) A person who has filed a notice of intent to claim paternity may at any time revoke a notice of intent to claim paternity previously filed and, upon receipt of the notification by the registry, the revoked notice of intent to claim paternity shall be deemed a nullity nunc pro tunc.

(e) An unrevoked notice of intent to claim paternity of a child may be introduced in evidence by any party, other than the person who filed the notice, in any proceeding in which the fact may be relevant.

(f) The Department of Human Resources shall, upon request, provide the names and addresses of persons listed with the registry to any court. The information shall not be divulged to any other person except upon order of a court for good cause shown. The Department of Human Resources shall further after receiving notice pursuant to Section 26-10A-17 of the Code of Alabama 1975, of the pendency of any adoption proceeding wherein the proposed adoptee is a child born within 300 days of the date or dates of sexual intercourse listed in the registry and to the same biological mother listed in the registry, immediately send a copy of the notice of intent to claim paternity to the court handling the adoption. When the court handling the adoption receives said notice of the Intent to Claim Paternity, that Court shall forthwith give notice of the pendency of the adoption proceeding to the putative father listed in such notice of Intent to Claim Paternity and at the address therein listed, and additionally notify the biological mother that the putative father has registered in conformity with the putative father registry.

(g) The Department of Human Resources shall create a form titled "Notice of Intent to Claim Paternity" to be used when a person files notice of intent to claim paternity, and which shall include the information required under subsection (c), the name of the mother who has given birth or may give birth to a child born out of wedlock, and the possible date or dates of sexual intercourse.

(h) The registry, except as provided by subsection (f), shall be kept confidential and not open for public inspection.

(l) Any person who claims to be the natural father of a child and fails to file his Notice of Intent to Claim Paternity pursuant to subsection (a) prior to or within 30 days of the birth of a child born out of wedlock, shall be deemed to have given an irrevocable implied consent in any adoption proceeding.

(j)(1) A person who knowingly or intentionally registers false information under this section commits a Class A misdemeanor.

(2) A person who knowingly or intentionally releases confidential information in violation of this section commits a Class A misdemeanor. However, it is a defense under this subsection if the Department of Human Resources releases confidential information while acting:

a. In good faith.

b. With reasonable diligence.

Section 2. This act shall not be construed to alter, impair, defeat, or restore any rights, obligations, duties, or interest accrued, incurred, conferred, or terminated prior to its effective date.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. This act shall become effective January 1, 1997.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Rogers (M), Sanderford, Sanderson, Seibenhener,

Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 155. To provide for the establishment of a putative father registry by the Department of Human Resources and to provide for the content of the registry and its use in court proceedings.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, White and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Kennedy, the Budget Isolation Resolution relating to the bill, H. 334, was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton,

Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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And the bill:

H. 334. To make an appropriation of \$56,347 from the State General Fund to the America's Junior Miss Pageant for the fiscal year ending September 30, 1997, and requires an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 555, was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A),

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Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 555. (With Substitute): To make an appropriation of \$350,000 from the State General Fund to the Alabama Sentencing Institute for the fiscal year ending September 30, 1997, and to require an operations plan and an audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$350,000 from the State General Fund to the Alabama Sentencing Institute for the fiscal year ending September 30, 1997, and to require an operations plan and an audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1997, there is hereby appropriated from the State General Fund the sum of \$350,000 to the Alabama Sentencing Institute.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1996-97, an operations plan for fiscal year 1996-97 and an audited financial statement for all operations during fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of these reports. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 3. This act shall become effective on October 1, 1996.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 245, the time to debate the bill, H. 555, and the pending substitute reported by the Standing Committee on Ways and Means expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Johnson (E) offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 286.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 245, the time to debate the bill, H. 286, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Gaines offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 404.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 245, the time to debate the bill, H. 404, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Layson, the Budget Isolation Resolution relating to the bill, H. 569, was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A),

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Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-91

And the bill:

H. 569. To amend Section 32-5-211, Code of Alabama 1975, relating to attaching a flag or light at the end of loads carried on vehicles, to authorize that an orange flag or an amber strobe light be attached to the end of a load which extends more than four feet beyond the rear of a vehicle.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 569:

Representatives Allen, Baker, Black (M), Boyd, Burke, Carns, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Jorgensen,

Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 155. To provide for the establishment of a putative father registry by the Department of Human Resources and to provide for the content of the registry and its use in court proceedings.

TOMMY CARTER
Chairman

And the bill, H. 155, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED
BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 200, was adopted.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D),

Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-93

And the bill:

H. 200. (With Amendment): To amend Section 32-6-7 of the Code of Alabama 1975, relating to the issuance of driver's licenses by the Department of Public Safety, to delete that portion of existing law that any person adjudged to be insane, or an idiot, imbecile, epileptic, or feeble-minded shall not be issued a driver's license until restored to competency by judicial judgment, or released from a hospital for the insane or feeble-minded, upon certification by the superintendent or medical director that the person is competent, and the Director of Public Safety or examining officer is satisfied that the person is competent to drive a motor vehicle with safety to persons and property.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend H. 200 on Page 2, by deleting Lines 24 and 25, (4) in its entirety and insert in lieu thereof the following: Any person who is an habitual abuser of alcohol or drugs;

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 88; Nays 1.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representative Galliher.

- 1

And the bill:

H. 200. To amend Section 32-6-7 of the Code of Alabama 1975, relating to the issuance of driver's licenses by the Department of Public Safety, to delete that portion of existing law that any person adjudged to be insane, or an idiot, imbecile, epileptic, or feeble-minded shall not be issued a driver's license until restored to competency by judicial judgment, or released from a hospital for the insane or feeble-minded, upon certification by the superintendent or medical director that the person is competent, and the Director of Public Safety or examining officer is satisfied that the person is competent to drive a motor vehicle with safety to persons and property.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, Willis and Wren.

-79

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Vance intended to vote "Yea" on passage of the bill, H. 200, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McKee, the Budget Isolation Resolution relating to the bill, H. 190, was adopted.

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Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-88

And the bill:

H. 190. To amend Section 8-19-12, Code of Alabama 1975, the Deceptive Trade Practices Act, to provide for enhanced criminal penalties upon subsequent violations of the act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

Yea:

Representatives Allen, Baker, Black (L), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-90

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Lindsey, the Budget Isolation Resolution relating to the bill, H. 564, was adopted.

Yeas 86; Nays 4.

Yea:

Mr. Speaker, Allen, Black (L), Box, Boyd, Burke, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-86

Nay:

Representatives Carns, Dolbare, Payne and Townsend.

- 4

And the bill:

H. 564. To amend Sections 2-5-1, 2-5-2, 2-5-14, and 2-5-16, Code of Alabama 1975, to provide further for the procedural authority of the Farmers' Market Authority relative to the lease, disposal, and sale of real property of the department; provide further for the members of the authority; and provide further for the duties and funds of the authority.

was taken up.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 245, the time to debate the bill, H. 564, expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Galliher, the Budget Isolation Resolution relating to the bill, H. 534, was adopted.

Yeas 87; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Thomas (J), Turner, Vance, Venable, Warren, Willis and Wren.

-87

Nay:

Representative Carns.

- 1

And the bill:

H. 534. To amend Section 32-6-10 of the Code of Alabama 1975, to authorize the Department of Public Safety to enter into reciprocal agreements with other countries regarding rights or privileges in the use of drivers' licenses.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree,

Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-89

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 19, the Budget Isolation Resolution and the bill, H. 546, were temporarily carried over due to absence of the sponsor.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Payne, the Budget Isolation Resolution relating to the bill, H. 368, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Carns, Carothers, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-86

And the bill:

H. 368. To amend Section 22-52-1.2 of the Code of Alabama 1975, relating to mental health and mental retardation; to provide for the exclusion of the home address and the telephone number of the petitioner from the copy of the petition seeking involuntary commitment provided to the respondent with exceptions.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Maul, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Wren.

-84

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 19, the Budget Isolation Resolution and the bill, H. 8, were temporarily carried over due to absence of the sponsor.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 19, the Budget Isolation Resolution and the bill, H. 545, were temporarily carried over due to absence of the sponsor.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 200. To amend Section 32-6-7 of the Code of Alabama 1975, relating to the issuance of driver's licenses by the Department of Public Safety, to delete that portion of existing law that any person adjudged to be insane, or an idiot, imbecile, epileptic, or feeble-minded shall not be issued a driver's license until restored to competency by judicial judgment, or released from a hospital for the insane or feeble-minded, upon certification by the superintendent or medical director that the person is competent, and the Director of Public Safety or examining officer is

satisfied that the person is competent to drive a motor vehicle with safety to persons and property.

TOMMY CARTER
Chairman

And the bill, H. 200, as engrossed, was ordered sent to the Senate.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Mitchell intended to vote "Yea" on passage of the bill, H. 368.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hooper, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 500.

Yeas 8; Nays 0.

Yea:

Representatives Holmes, Hooper, Johnson (E), Knight (J), McClammy, McKee, Newton (D) and Wren.

- 8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hooper, the Budget Isolation Resolution relating to the bill, H. 500, was adopted.

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Yeas 13; Nays 3.

Yea:

Representatives Boyd, Buskey, Clark (W), Holmes, Hooper, Knight (J),
Maull, McClammy, McKee, Newton (D), Turner, Venable and Wren.

-13

Nay:

Mr. Speaker, Page and Smith.

- 3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 500. Relating to Montgomery County, requiring all beer, prior to distribution to retail licensees in the county, to be stored in a warehouse in the county and be available for inspection by the Alcoholic Beverage Control Board; and providing certain civil remedies.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 8; Nays 4.

Yea:

Representatives Buskey, Holmes, Hooper, Johnson (E), Knight (J),
McClammy, McKee and Wren.

-8

Nay:

Representatives Flowers, Page, Payne and Rogers (M).

- 4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Dixon:

S.J.R. 62. COMMENDING THE HOLTVILLE HIGH SCHOOL BOYS BASKETBALL TEAM, AND DESIGNATING APRIL 26, 1996, AS HOLTVILLE HIGH SCHOOL BULLDOG DAY IN THE STATE OF ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 62, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Dixon:

S.J.R. 61. COMMENDING JAMES A. FINDLEY AND DESIGNATING

APRIL 26, 1996, AS JAMES A. FINDLEY DAY IN THE STATE OF ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 61, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Little, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 57. COMMENDING YETTA G. SAMFORD, JR., AS 1995 DISTINGUISHED CITIZEN OF THE YEAR.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 57, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolu-

tion and sends same herewith to the House for its consideration:

By Senator Lindsey:

S.J.R. 56. SUPPORTING THE ADOPTION OF THE "RIGHT TO KNOW"
MANAGED HEALTH CARE PLAN DISCLOSURE.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 56, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Figures, Windom, and Myers:

S.J.R. 48. DESIGNATING AUGUST 18, 1996, AS CHURCH OF GOD
PENTECOSTAL DAY IN THE CITY OF PRICHARD.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 48, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Bailey, Freeman, Hale, Figures, Butler, Adams, Amari, Armistead, Barron, Bedford, Biddle, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Ghee, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 46. COMMENDING SENATOR CHARLES LANGFORD FOR HIS LEADERSHIP IN THE CIVIL RIGHTS MOVEMENT.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 46, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Little, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 45. COMMENDING FREDERICK F. DENTON, JR., FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 45, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators McClain and Langford:

S.J.R. 43. COMMENDING CALVIN BINION, AN OUTSTANDING YOUNG ALABAMIAN.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 43, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Bedford, Adams, Amari, Armistead, Bailey, Barron, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 42. DESIGNATING THE BIG NANCE CREEK BRIDGE AS THE
"REPRESENTATIVE SAM LETSON BRIDGE."

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 42, the title of which is set out in the foregoing
Message from the Senate was read and referred to the Standing Committee on
Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolu-
tion and sends same herewith to the House for its consideration:

By Senator Bedford:

S.J.R. 41. COMMENDING THE WINSTON COUNTY HIGH SCHOOL
VARSITY BOYS BASKETBALL TEAM ON ITS SECOND COUNTY CHAMPION-
SHIP.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 41, the title of which is set out in the foregoing
Message from the Senate was read and referred to the Standing Committee on
Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolu-
tion and sends same herewith to the House for its consideration:

By Senator Bedford:

S.J.R. 40. COMMENDING THE MEEK HIGH SCHOOL LADY TIGER VARSITY BASKETBALL TEAM ON ITS 1996 WINSTON COUNTY CHAMPIONSHIP.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 40, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Little:

S.J.R. 37. COMMENDING FROHSIN'S DEPARTMENT STORE AND THE FROHSIN FAMILY FOR THEIR OUTSTANDING LEADERSHIP ROLE IN THE ALEXANDER CITY COMMUNITY.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 37, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolu-

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tion and sends same herewith to the House for its consideration:

By Senator Little:

S.J.R. 36. MOURNING THE DEATH OF WILLIAM H. BECKWITH, SR., OF AUBURN, ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 36, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Freeman:

S.J.R. 33. COMMENDING HOCKEY COACH DOUG ROSS OF THE UNIVERSITY OF ALABAMA IN HUNTSVILLE.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 33, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bailey:

S.J.R. 32. CREATING THE HIGHER EDUCATION FUNDING ADVISORY COMMISSION.

WHEREAS, the Legislature recognizes the enormous importance of higher education to the citizens of this state; and

WHEREAS, the Legislature recognizes that there are exemplary programs and services provided by institutions of higher education; and

WHEREAS, the Legislature supports initiatives by institutions of higher education to continue its efforts to provide quality and educational efficiencies; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is created a Higher Education Funding Advisory Commission to develop a proposed new funding approach for higher education that is performance-based and uses other incentive funding approaches. The commission shall consist of 12 members composed as follows: Two representatives of the state's regional universities, three representatives of the state's two-year colleges (one of whom shall be Black), one representative from each of the following institutions: Auburn University, the University of Alabama System, the University of South Alabama, Troy State University System, Alabama State University, Alabama A & M University, and the Alabama Commission on Higher Education.

The members of the Higher Education Funding Advisory Commission shall be selected in the following manner: The presidents of the state's regional universities shall select the two representatives of these institutions on the commission. The State Board of Education shall select the representatives of the state's two-year colleges on the commission. The Chancellor of the University of Alabama System and the Presidents of Auburn University, the University of South Alabama, the Chancellor of Troy State University, Alabama State University, and Alabama A & M University shall each select the representative of his or her respective institution on the commission. The Alabama Commission on Higher Education shall select its representative on the commission. It is the intent of the

Legislature that women be represented on the commission.

BE IT FURTHER RESOLVED, That the Alabama Commission on Higher Education works with the Higher Education Funding Advisory Commission, the Legislative Joint Fiscal Committee, and the Governor in this endeavor and that a report on the progress of the program shall be presented to the Legislature by July 1, 1996, with October 1, 1998, being the target date by which the Legislature, if it chooses, could begin to use the funding approach. The commission shall dissolve October 1, 1998.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 32, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Mitchell:

S.J.R. 31. EXPRESSING LEGISLATIVE INTENT IN ACT NO. 95-395, H. 149 OF THE 1995 REGULAR SESSION, PROVIDING ALTERNATIVE ADVERTISING PROCEDURES FOR ADOPTING MUNICIPAL ZONING ORDINANCES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in subsection (b) of Section 1 of Act No. 95-395, H. 149 of the 1995 Regular Session, the words "three consecutive weeks" mean at least once a week over a three consecutive week period.

BE IT FURTHER RESOLVED, That the present Legislature is the same Legislature that enacted Act No. 95-395, H. 149 of the 1995 Regular Session.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 31, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Langford:

S.J.R. 29. COMMENDING THE JOSEPH AND PINKIE TAYLOR FAMILY REUNION ON JUNE 21-23, 1996.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 29, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Representative Thomas (J):

H.J.R. 259. URGING THE PRESIDENT OF THE UNITED STATES TO DECLARE DALLAS, LEE, MONTGOMERY, AND TUSCALOOSA COUNTIES AS DISASTER AREAS AS A RESULT OF THE TORNADOES OF MARCH 6, 1996.

The resolution, H.J.R. 259, was read and referred to the Standing Committee on Rules.

ADJOURNMENT

On motion of Representative Thomas (D), the House adjourned until 10:00 o'clock a.m., Thursday, March 14, 1996.

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ELEVENTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, March 14, 1996**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Glenn Brock, Camellia Baptist Church, Prattville, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Christopher Bryant, 9th Grade, Livingston Junior High School, Livingston, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the tenth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the tenth legislative day was dispensed with.

RESOLUTION

The following resolution was introduced:

By Representative Hammett:

H.R. 260. AMENDING THE RULES OF THE HOUSE

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the rules of the House are hereby amended to read as follows: Amend Rule 6 (3) after the word "privilege" and period by inserting the following language: Bills and resolutions may also be introduced at any time later in the same legislative day, prior to adjournment, by filing them with the Clerk.

On motion of Representative Hammett, the rules were suspended and the resolution, H.R. 260, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 47. RECOGNIZING THE 21ST ANNUAL MEETING OF THE NATIONAL SICKLE CELL PROGRAMS TO BE HELD IN MOBILE, ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 47.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 49. COMMENDING LOIS ROCKHOLD, TILLMAN'S CORNER 1995 CITIZEN OF THE YEAR.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 49.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 253. COMMENDING THE CENTRAL HIGH SCHOOL LADY FALCONS ON THEIR CLASS 6A FINAL FOUR CHAMPIONSHIP.

WHEREAS, the Alabama Legislature is greatly pleased to commend the Central High School Lady Falcons on their outstanding achievement in winning the Class 6A Final Four Championship; and

WHEREAS, winning their third state 6A championship, and first in Class 6A, the Lady Falcons led the Decatur Lady Red Raiders 17-12 at the end of the first quarter of the championship game, trailed 24-23 at halftime, were outscored by Central to trail 36-34 in the final quarter, and with Decatur leading 45-43 with 58.1 seconds remaining, Central's Latonda Eubanks hit two exciting free throws to tie the game 45-45, and Central went on to enjoy a sweet 57-53 victory in overtime; and

WHEREAS, the Lady Falcons' Head Coach, Jim Holland, who has been coaching for 16 years, has an impressive career record of 347-100, and numerous area and regional championships; his enthusiasm and love for the game have set him apart as one of those special coaches who will be renowned and admired as long as basketball is played; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby applaud the Central High School Lady Falcons on their Class 6A Final Four Championship, and commend them for the exemplary manner in which they have represented their school and community.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate presentation and display.

On motion of Representative Carter, the resolution, H.J.R. 253, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 254. COMMENDING THE HOLTVILLE HIGH SCHOOL BOYS BASKETBALL TEAM, AND DESIGNATING APRIL 26, 1996, AS HOLTVILLE HIGH SCHOOL BULLDOG DAY IN THE STATE OF ALABAMA.

WHEREAS, the Holtville High School boys basketball team completed its regular season and tournament competition on March 1, 1996; and

WHEREAS, this team has brought honor to itself, to its school, and to its community; and

WHEREAS, this team consisted of Head Coach James Findley, Assistant Coaches Greg Ellis and Wade Collier, and team members Eric Ellis, Keith Ellis, Edward Ezell, Willie Ezell, Blake Floyd, Eric Hood, Donnie Hopper, Kevin Kendricks, Travis Long, Reggie Marshall, Walter Quinn, and Scott Weaver with managers Jeremy Hicks and Jonathan Hicks; and

WHEREAS, this team finished with an outstanding record of 22 wins and 8 losses, with all losses being to higher classification competition; and

WHEREAS, this team distinguished itself by winning the Alabama High School Athletic Association's Class 3-A State Basketball Championship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That April 26, 1996, be declared Holtville High School Bulldog Day in the State of Alabama in honor of the 1996 Holtville High School Boys Class 3-A State Championship Basketball Team.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for appropriate presentation and display.

On motion of Representative Carter, the resolution, H.J.R. 254, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 255. COMMENDING JAMES A. FINDLEY AND DESIGNATING APRIL 26, 1996, AS JAMES A. FINDLEY DAY IN THE STATE OF ALABAMA.

WHEREAS, Holtville High School has been blessed with a dedicated educator and athletic coach; and

WHEREAS, this individual has dedicated a great portion of his adult life to teaching and coaching the students of Holtville High School; and

WHEREAS, this individual has distinguished himself as a model educator, athletic coach and community leader; and

WHEREAS, his records, strategies and techniques as a basketball coach stand as a challenge to his fellow coaches, present and future; and

WHEREAS, his team members have earned numerous honors as players and as productive citizens; and

WHEREAS, his 1996 basketball team won the Alabama State High School Athletic Association's 3-A State Championship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That James A. Findley be duly recognized, honored and commended for his years of service to the youth of Holtville High School by designating April 26, 1996, as James A. Findley Day in the State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for appropriate presentation and display.

On motion of Representative Carter, the resolution, H.J.R. 255, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 256. COMMENDING G. P. BRIDWELL, DIRECTOR OF NASA'S MARSHALL SPACE FLIGHT CENTER, FOR DISTINGUISHED SERVICE.

WHEREAS, upon the occasion of his forthcoming retirement, the Alabama Legislature, in consensus of commendation, recognizes G. P. (Porter) Bridwell of Huntsville, Alabama, for his distinguished service as director of NASA's Marshall Space Flight Center in Huntsville, Alabama; and

WHEREAS, a native of Linton, Indiana, Porter Bridwell earned his Bachelor of Science degree in aeronautical engineering from Purdue University and began his career as an engineer with Rocketdyne in Canoga Park, California; and

WHEREAS, he joined the Marshall Center in Huntsville in 1962, working in the Saturn program, and, over the ensuing years prior to his appointment as the seventh director of the Marshall Space Flight Center in January 1994, served in various key positions of increasing responsibility, including the new Space Shuttle program (1975), and as manager of the Space Shuttle's highly successful External Tank Project in 1983; on temporary assignment as deputy director of NASA's engine test center in Mississippi, now the Stennis Space Center (1987); again at Marshall as manager of the Center's Institutional and Programmatic Support Directorate (1988); as head of Marshall's Space Shuttle Projects Office (1989); in key positions in the design of NASA's next generation heavy lift launch vehicles (1990); and on special assignment with the Russian Space Station Integration Team, playing a prominent role in the present space station design; and

WHEREAS, over the years, Porter Bridwell has been the recipient of many awards and honors which reflect the distinction of his career and the importance of his professional contributions to the space flight program, including NASA's Exceptional Service Medal in 1981, and Outstanding Leadership Medal in 1988, the Presidential Rank of Meritorious Executive Award, and the Engineer of the Year Award in 1995 from the Alabama-Mississippi Section of the AIAA; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement as the leader of one of NASA's foremost field centers, we hereby most highly commend G. P. (Porter) Bridwell, whom we hold in highest personal regard, and for whom a copy of this resolution shall be provided with sincere best wishes for every future happiness and success in retirement.

On motion of Representative Carter, the resolution, H.J.R. 256, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 257. COMMENDING WBMG-TV AS RECIPIENT OF THE 1995 CBS EXCELLENCE IN COMMUNITY SERVICE AWARD.

WHEREAS, highest commendation is hereby accorded Birmingham's WBMG-TV as recipient of the 1995 CBS Excellence in Community Service Award presented by the CBS Charitable Contributions program; and

WHEREAS, this prestigious recognition was awarded for a special series of reports entitled: "Black and White in Birmingham," designed to bring together a diverse panel of local community leaders for discussion and debate on wide-ranging issues; and

WHEREAS, in an effort to help foster a better understanding of multi-cultural concerns and differences, the unprecedented success of the four-week series of reports presented by WBMG-TV has provided a valuable service to area citizens, and has indeed played a vital role in the fostering of understanding in, and progress of the community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Birmingham's WBMG-TV is commended on its 1995 CBS Excellence In Community Service Award, and for keeping itself accessible to the people it serves, as well as for keeping the best interest of the people of the State of Alabama in mind in its multi-cultural programming.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be presented for appropriate presentation and display.

On motion of Representative Carter, the resolution, H.J.R. 257, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 61. COMMENDING JAMES A. FINDLEY AND DESIGNATING APRIL 26, 1996, AS JAMES A. FINDLEY DAY IN THE STATE OF ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 61.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 62. COMMENDING THE HOLTVILLE HIGH SCHOOL BOYS BASKETBALL TEAM, AND DESIGNATING APRIL 26, 1996, AS HOLTVILLE HIGH SCHOOL BULLDOG DAY IN THE STATE OF ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 62.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 48. DESIGNATING AUGUST 18, 1996, AS CHURCH OF GOD PENTECOSTAL DAY IN THE CITY OF PRICHARD.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 48.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 11. COMMENDING MICHAEL JOHN HERING FOR OUTSTANDING COURAGE IN HIS HEROIC RESCUE OF HIS COUSIN AND GRANDMOTHER.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 11.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Parker (T), the rules were suspended in order to permit the Standing Committee on Local Legislation No. 6 to meet while the House is in Session.

BILLS ON SECOND READING

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 559. Relating to registration and use of trademarks and service marks; to prohibit the creation, forging, counterfeiting, and the use of forged or counterfeit trademarks and service marks; to prohibit the manufacture, possession, sale, offering for sale, transportation, or use of certain goods or property containing or relating to forged or counterfeit trademarks and service marks; to provide for the offense of trademark or service mark counterfeiting and the offense of selling or offering for sale counterfeit goods or services; to provide for the forfeiture, the

destruction, sale, or other disposition of certain goods and property; to provide for exceptions; to provide civil remedies; to provide for penalties; and to provide for the creation, enforcement, and protection of trademarks and service marks.

H. 633. To amend Section 22-12C-5, Code of Alabama 1975; to revise the formula used to calculate civil monetary penalties for vendors who violate Women, Infants, and Children Nutritional Supplement (WIC) Program administrative rules; and to give WIC Program Director, administrative hearing officer, and others as designated by the State Health Officer authority to mitigate or settle adverse actions.

H. 477. To provide that in addition to any other penalties, a person convicted of unlawful distribution of a controlled substance while armed with a firearm shall be sentenced to five years incarceration in a state corrections facility with no provision for probation.

H. 411. To amend Section 13A-7-29 of the Code of Alabama 1975, relating to criminal littering; to increase the minimum fine to two hundred fifty dollars (\$250) and to provide that in the alternative, the person may be required to perform not less than 10 hours and not more than 40 hours of community service.

H. 598. To further provide for stalking and aggravated stalking; to provide further for the conduct of stalking or aggravated stalking if the person has been previously convicted of stalking or aggravated stalking or a violent crime involving certain victims and to provide for enhanced felony punishment.

S. 20. To amend Section 16-22-1 of the Code of Alabama 1975 granting certain persons employed by certain institutions and colleges police powers; to further provide for police powers for police officers employed by Samford University or Birmingham-Southern College.

H. 608. To authorize the utilization of an audio-video communication system at any criminal pre-trial proceeding to enable a judge or magistrate to see and converse simultaneously with the defendant, his or her counsel, or another person; to provide that the physical presence of a defendant in open court is not required upon the use of the audio-video communication; to allow for facsimile transmissions during the audio-video communication; to authorize the use of audio-video communication for verification of Uniform Traffic Tickets and Complaints and Uniform Non-Traffic Citations and Complaints; and to allow the public to view the audio-video communication.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 140. (With Substitute) (With Amendment): To amend Sections 13A-9-70, 13A-9-71, 13A-9-72, and 13A-9-76, Code of Alabama 1975, relating to charitable fraud, to provide further for definitions; to provide for the registration of charitable organizations with the Attorney General and to require a registration fee and bond for certain organizations and persons; to provide for the filing by charitable organizations of an annual written financial report and the filing of all contracts between charitable organizations and professional fund raisers or commercial coventurers; to designate the Secretary of State as agent for service of process for nonresident charitable organizations and professional fund raisers; to alter the criminal penalties for charitable fraud; to eliminate certain absolute defenses to criminal prosecution; and to clarify the civil remedies available to the Attorney General, the district attorneys, or an affected charitable organization through injunction, mandamus, or other appropriate civil remedy.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 669. To amend Section 11-43-143 of the Code of Alabama 1975, relating to employee organizations of fire fighters to provide a procedure for a written response from the employing governing body to proposals from fire fighters.

H. 28. To repeal Section 14-3-59 of the Code of Alabama 1975, relating to posting statutes on escapes by convicts.

H. 589. To amend Sections 6-6-310, 6-6-332, 6-6-350, and 6-6-351, Code of Alabama 1975, relating to unlawful detainer actions; to remove the requirement that a landlord has to provide a 10-day notice to a tenant who breaches a lease; to allow for service of a summons and complaint by a private process server; to require the circuit court to expedite an unlawful detainer action which has been appealed from district court; to require a defendant who appeals a writ of restitution to pay all rent that becomes due and payable under a term of a lease; and to provide that where a defendant fails to pay rent that becomes due and payable into court, the court shall issue an order placing the plaintiff in possession of the premises.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 173. (With Substitute): To provide for civil immunity for certain actions of volunteer coaches completing designated education programs and creating the Volunteer Coaches Advisory Board to review and approve education programs.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 112. To establish the Alabama Alcoholic Beverage Control Board as the state agency responsible for regulating and enforcing state and federal laws prohibiting the sale of tobacco or tobacco products to minors; to provide permits for the distribution of tobacco or tobacco products; to authorize the Alabama Alcoholic Beverage Control Board to promulgate rules and regulations; and to provide penalties for violations.

H. 523. To amend Section 41-16-51 of the Code of Alabama 1975, as amended by Act No. 95-630, 1995 Regular Session, relating to contracts for which competitive bidding is not required, to exempt certain construction contracts from competitive bidding requirements.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 576. (With Amendment): To amend Sections 34-27-6, 34-27-32, 34-27-34, 34-27-35, and 34-27-35.1, Code of Alabama 1975, relating to the Alabama Real Estate Commission, to provide further for the authority of the commission regarding real estate courses; to provide further for reciprocal licensing and proof of minimum instructional hours for licensure as a real estate broker or salesperson and to delete unconstitutional language that requires an applicant for a company or broker license to maintain a place of business within the state; to provide a \$25 fee for certain license changes; to provide inactive status for certain licensees, to provide a hardship postponement, to provide further for continuing education, and to remove the exempt status of licensees age 65 and older.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 550. To amend Sections 34-29-63, 34-29-64, 34-29-65, 34-29-66, 34-29-68, 34-29-69, 34-29-70, and 34-29-83, Code of Alabama 1975; to provide for the membership, qualifications, and duties of the Alabama State Board of Veterinary Medical Examiners; to change the name of the executive secretary to executive director; to increase the compensation of the executive director; and provide for an appeal process.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 544. (With Substitute): To amend Section 28-3-1, Code of Alabama 1975, to provide further for the definition of club.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 673. (With Amendment): Establishing the Alabama Home Inspectors Registration Act; to provide for the registration and qualifications of home inspectors in the state; and to provide civil sanctions and penalties for violations.

H. 422. (With Amendment): To amend Section 36-12-40, Code of Alabama 1975, to allow access to certain files of public employees.

H. 463. (With Amendment): To amend Section 41-16-3, Code of Alabama 1975, relating to public contracts, to provide for the timely payment by a contracting party to subcontractors.

Representative Gaines, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 518. (With Amendment): To amend Sections 25-4-8, 25-4-10, 25-4-16, as amended by Act No. 95-311 of the 1995 Regular Session, 25-4-54, as amended by Acts 95-311 and 95-764 of the 1995 Regular Session, 25-4-92, and 25-4-152, Code of Alabama 1975, to provide further for the definition of employer, the definition of employment, the definition of wages, computation of the desired level of the unemployment compensation fund, appeals tribunals, and the voluntary deduction of federal income tax from unemployment compensation benefits.

Representative Gaines, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 38. To amend Sections 25-4-10 and 25-5-50, Code of Alabama 1975, relating to exclusions from the definition of employment for state unemployment compensation and workers compensation purposes, respectively; to clarify and confirm the Legislature's intent that certain product demonstrators shall be consid-

ered self-employed independent contractors for purposes of determining eligibility for state unemployment and workers compensation, and not as employees; and to provide for a retroactive effective date.

H. 603. To amend Section 40-18-35(a)(14), Code of Alabama 1975, to provide for a dividends received deduction and rules relating to taxing foreign source income; to provide further conformity with federal income tax law; and to provide an effective date.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 164. (With Substitute): Relating to hospitals and physicians; requiring the posting of the availability of the Medicaid Agency Consumer Hotline.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 163. To create the crime of theft of hospital service; and to provide for the relationship between this act and other provisions of law when the same conduct is proscribed by another law.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 393. (With Amendment): Authorizing the State Board of Health to develop a program relating to indoor lead hazard reduction, authorizing the establishment of certain fee schedules and the disposition of fees levied, authorizing the State Health Officer to conduct certain investigations relating to lead hazard reduction and granting immunity from certain liability, requiring the certification of persons engaged in lead hazard removal activities and the regulation of such activity, designating Safe State as the state accreditation agency and specifying the powers and duties of Safe State, specifying criminal penalties for failure to be properly certified or to comply with certain lead hazard removal procedures, permitting state or local health officers to seek injunctive relief, creating and providing for a special fund and making an appropriation from the fund for fiscal years ending September 30, 1996 and September 30, 1997, and providing for a prospective effective date.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 624. To provide for the coverage of postpartum care under certain conditions by a health maintenance organization, nonprofit hospital service plan or service contract, managed health care provider, disability or health care contract, plan, or policy, issued, renewed, or delivered in this state.

H. 625. Relating to health benefit plans; to provide for the inclusion of obstetricians and gynecologists as primary care physicians; to provide that a health benefit plan may not require a referral from a primary care physician as a condition for the coverage of the services of an obstetrician or gynecologist; and to designate this act as the "Women's Access to Health Care Act."

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 395. (With Substitute) (With Amendment): To require corporations, associations, health maintenance organizations, nonprofit health service organizations, employee-sponsored health benefit companies, or any similar organizations or entities providing various health coverages and plans to furnish prospective enrollees with a written description of the coverage, exclusions, services, medications, authorizations, financial responsibilities, and a right to information on financial arrangements between providers and the plan; and to cite this act as the "Patient Right to Know Act."

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 281. To repeal Section 9-11-49.2, Code of Alabama 1975, relating to the treatment of certain nonresidents paying a certain amount of ad valorem property taxes as Alabama residents for the purpose of purchasing certain hunting licenses.

S. 199. To repeal Section 9-11-49.2, Code of Alabama 1975, relating to the treatment of certain nonresidents paying a certain amount of ad valorem property taxes as Alabama residents for the purpose of purchasing certain hunting licenses.

H. 630. To provide for a lifetime resident saltwater fishing license and for its issuance; and to provide for the establishment of the Alabama Marine Resources Endowment Fund within the Marine Resources Fund and for the deposit of fees from the license provided by this act into the endowment fund.

Representative Reed, Chairperson of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill

and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 649. To establish the Alabama Task Force on the Status of African-American Males.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 41. (With Amendment): To amend Section 17-4-132, Code of Alabama 1975, to remove the requirement that a voter be notified by certified mail before the voter's name is purged from the registration list for committing a felony involving moral turpitude.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 641. (With Substitute): To amend Section 17-4-156, Code of Alabama 1975, to provide further for the working days of certain county boards of registrars.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 647. To provide for the qualified electors of the state to vote for candidates for elected offices without regard to the political affiliation of the elector; to require all candidates who qualify to run for an office to be listed on the open primary election ballot; to provide for a runoff election after the open primary election; to amend Sections 17-1-1, 17-8-2, 17-8-10, 17-8-45, 17-9-7, 17-9-26, 17-9-33, 17-10-12, and 17-16-1, Code of Alabama 1975; and to repeal Sections 17-7-1, 17-8-2.1, 17-8-3, 17-8-4, 17-8-5, 17-8-15 to 17-8-19, inclusive, 17-8-21, 17-9-31, 17-16-4, 17-16-9, 17-16-11 to 17-16-17, inclusive, 17-16-20, 17-16-21, 17-16-36, 17-16-37, 17-16-40, 17-16-41, 17-16-46, and 17-16-70 to 17-16-89, inclusive, Code of Alabama 1975.

Representative Ford, Chairperson of the Standing Committee on Tourism, Entertainment and Sports, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 618. Relating to alcoholic beverages; to authorize elections to determine whether alcoholic beverages may be sold or dispensed on Sunday within any wet county or wet municipality in this state.

S. 425. Providing for the rights and obligations of innkeepers and guests relating to their ability to pay, the right of innkeepers to refuse accommodation, the maintenance of a guest register, the right to eject persons from the premises, and providing for penalties.

S. 207. To provide for the operation and use of coin-operated games or devices designed and manufactured for bona fide amusement purposes and provide penalties for violations.

Representative Hill, Chairperson of the Standing Committee on Local Legislation No. 7, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 664. Relating to the City of Alabaster in Shelby County; to amend Section 5 of Act No. 93-493, H. 742 of the 1993 Regular Session (Acts 1993, p. 789), relating to the Personnel Director of the City of Alabaster; to provide that the personnel director would be appointed by the personnel board.

H. 665. Relating to Shelby County; amending Act No. 87-768, 1987 Regular Session, which levies a lodgings tax in the county, to provide further for the collection of the tax.

H. 678. Relating to Shelby County; amending Act No. 81-461, H. 933, 1981 Regular Session, to provide further for the collection of the existing sales and use tax; and to repeal Act No. 95-371, H. 557 of the 1995 Regular Session, relating to the collection of the existing sales and use tax.

H. 679. Relating to Shelby County; to provide for an additional expense allowance for the board of equalization.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 211. To amend Section 36-27-125 of the Code of Alabama 1975, to provide further for certain increases in benefits for certain pensioners and annuitants.

H. 451. Providing for distinctive motor vehicle license tags or plates for members of the Kiwanis International; prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 453. (With Amendment): To amend Section 16-1-18.1, Code of Alabama 1975, relating to sick leave accumulation for certain public education employees so as to establish further provisions relating to sick leave; to establish that an employee shall earn one sick leave day per month of contractual employment; to establish definitions; to establish on-the-job injury regulations; to provide for policies by certain education institutions; to repeal Section 16-1-18, Code of Alabama 1975, relating to sick leave for support personnel and to incorporate such provisions into this act; to amend Sections 16-12-21 and 16-8-25, Code of Alabama 1975, relating to vacations and leaves of absences so as to repeal those provisions relating to sick leave and incorporate the provisions into Section 16-1-18.1, Code of Alabama 1975; and to establish an effective date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 224. To amend Section 32-6-291 of the Code of Alabama 1975, relating to distinctive tags for retired military persons; and providing that a distinctive tag may be issued to retired military persons regardless of the length of their military service.

H. 225. To amend Section 32-6-250, Code of Alabama 1975, relating to distinctive license plates; to provide that a Medal of Honor or Purple Heart Medal recipient or a duly recognized American Prisoner of War may be issued an additional distinctive license plate if the person pays the ad valorem taxes and fees for the second and subsequent license plate.

H. 450. To make a supplemental appropriation of \$10,000 to the State Department of Education for Project Citizen from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1996.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 176. (With Amendment): To amend Section 36-27-15.2 of the Code of Alabama 1975, to provide further for granting credit for certain prior service as a support employee in the Employees' and Teachers' Retirement Systems of Alabama.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 105. (With Substitute): Relating to insurance, to provide further for an effective and efficient system whereby the Commissioner of Insurance may collect certain fees, licenses, and miscellaneous charges and deposit those receipts into the State Treasury; to create a fund to be known as the "Insurance Department Fund"; to provide for the distribution of the funds with fifty percent credited to the State General Fund and fifty percent credited to the "Insurance Department Fund"; to provide for the payment of certain expenses of the Department of Insurance; to appropriate those sums for certain expenses incurred by the Department of Insurance; and to allow the expenses of the Department of Insurance to continue to be paid by appropriations from the State General Fund for the fiscal years ending September 30, 1996 and 1997.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 294. (With Amendments): To provide for a distinctive motor vehicle license tag or plate for members and supporters of fraternities and sororities; to prescribe the fees for the tags or plates; to provide for disposition of the net proceeds from the fees; to create the Alabama Fraternity/Sorority Scholarship Committee and Fund; and to provide for a delayed effective date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 506. (With Amendment): To amend Section 14-1-1.2 of the Code of Alabama 1975, relating to the Department of Corrections, to require the consent of the Legislature before a penal or corrections institution is leased, transferred, or placed under the management of a nongovernmental entity whose purpose is to profit.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 124. To amend Sections 15-13-130 and 15-13-131 of the Code of Alabama 1975, relating to the distribution of funds when bail is forfeited because of failure of the defendant to appear; to provide for the state to remit one-half of the funds received from forfeiture of bail to the county in which the defendant was charged; and to require that the funds be deposited into the county general fund to be used for the maintenance and operation of the county jail.

H. 95. To provide distinctive motor vehicle license tags or plates to honor cotton producers; to provide for the fees for these tags or plates and for the

disposition of the net proceeds from the fees; and to provide for a delayed effective date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 222. (With Amendment): To amend Section 40-12-248 of the Code of Alabama 1975, relating to the annual license taxes and registration fees for trucks or truck tractors; to further provide for the lower annual license tax and registration fee for certain trucks or truck tractors owned and used by a farmer.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 639. To authorize the Alabama State Docks Department to expend certain funds for a safety incentive program.

S. 202. To amend Section 36-27-15.2 of the Code of Alabama 1975, to provide further for allowing the purchase of prior service credit in the Employees' Retirement System or the Teachers' Retirement System for prior service rendered in the Job Corps.

S. 464. To amend Sections 34-8-1, 34-8-2, 34-8-4, 34-8-6, 34-8-7, 34-8-8, 34-8-9, 34-8-20, 34-8-22, 34-8-24, and 34-8-28 of the Code of Alabama 1975, relating to the contractors licensing board; to further define the term general contractor; to provide for the licensing of subcontractors; to remove the requirement that the Governor may remove a board member at any time; to provide further for licensing fees, disciplinary procedures and fines, advertisements for bids, notice of meetings, compensation and expenses of members of the board, and certain allocations to public institutions of higher learning; and to provide for penalties.

H. 621. Providing for distinctive motor vehicle license tags or plates to honor Alabama's Indian heritage; providing for fees for the distinctive license tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 165. (With Amendments): To amend Sections 11-14-10 and 11-14-14 of the Code of Alabama 1975, to provide further for sources of revenue for county courthouses, jails, and hospitals.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 510. To amend Section 32-6-233.1 of the Code of Alabama 1975, relating to unauthorized use of handicapped parking places; to provide for an increase in the fine; to further prohibit unauthorized persons from parking in parking zones designated for handicapped persons at certain private businesses; to provide for the posting of the amount of the fine for a violation on signs designating handicapped parking places; and to provide for the enforcement of this act.

H. 540. To provide further for information to be contained on documents conveying an interest in real property that are offered for recordation in the office of the judge of probate, and to provide for an effective date.

Representative Parker (T), Chairperson of the Standing Committee on Local Legislation No. 6, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 658. (With Amendment): To amend Sections 11-44B-6 to 11-44B-7, inclusive, Code of Alabama 1975, to provide further for the procedures of operation of mayor-council form of government adopted by Class 4 municipalities pursuant to Section 11-44B-1, et seq., Code of Alabama 1975.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Crigler:

H. 684. To further provide for gill net fishing and licensure for hardship cases; to create the Board of Gill Net Hardship Licenses; to provide for the powers and duties of the board; to authorize the board to issue and enforce rules and regulations pursuant to the Alabama Administrative Procedure Act to implement this act; and to provide that this act is cumulative.

COMMITTEE ON AGRICULTURE, FORESTRY AND NATURAL RESOURCES

By Representative Morton:

H. 685. To provide for an elective course credit in behavior modification and character education for public students who attend an alternative school.

COMMITTEE ON EDUCATION

REGULAR SESSION
11th Day

1087

By Representative Papucci:

H. 686. To provide for credit, for purpose of a step-raise at a community college level, for persons with certain teaching experience who, while employed with that institution, was a professor outside of the United States upon certain conditions being met; to provide for the payment by the employing institution of costs incident to the step pay raise retroactively to January 1, 1992.

COMMITTEE ON WAYS AND MEANS

By Representative Minnifield:

H. 687. To amend Sections 36-12-40 and 36-12-41, Code of Alabama 1975, relating to the right of a citizen to inspect and take a copy of any public writing of this state; to provide for requests and denials of access to public writings and records; to provide for a review process for access denial; and to provide civil remedies and criminal violations.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Dolbare, Jackson, Hins'aw, Morrison, Haney, and Morrow:

H. 688. To amend Section 16-1-6, Code of Alabama 1975, to limit dues and expenses paid by local boards of education to the Alabama Association of School Board Members.

COMMITTEE ON WAYS AND MEANS

By Representatives Crigler, Mitchell, Clark (W), Turner, and Dean (With Notice and Proof):

H. 689. Relating to constables in Mobile County; to provide for qualifications and minimum standards training for constables and deputy constables; to create the Constable Regulatory Board of Mobile; to provide for the composition and powers of the board; to provide further for constable fees; and to exempt any constable holding office from the regulation and operation of this act, except for compensation.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 689, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Crigler, Mitchell, Dean, Clark (W), and Turner:

H. 690. Proposing a constitutional amendment to further authorize the regulation of the office of constable and the fees and commissions paid to a constable or deputy constables in Mobile County; and providing for the election, pursuant to Amendment 555 to the Constitution of 1901.

COMMITTEE ON LOCAL LEGISLATION NO. 3

The above bill was read a first time at length as required by the Constitution.

By Representative Hooper:

H. 691. To exempt Resurrection Catholic Missions from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 692. To amend Section 16-13-144, Code of Alabama 1975, relating to local board of education budgets and providing a prohibition and penalty for a deficit budget; to permit the State Superintendent of Education to waive the penalty for school systems making a substantial effort to remove the deficit.

COMMITTEE ON WAYS AND MEANS

By Representative Hill:

H. 693. To amend Sections 5-18-10, 5-18-12, 5-18-15, 5-18-16, 5-18-17, and 5-18-21, Code of Alabama 1975, and to repeal Section 5-18-24, Code of Alabama 1975, relating to the regulation and licensing of the small loan business; to provide for its operation and supervision; to provide for confidentiality of reports; to provide further for enforceability and liabilities of small loan contracts; to provide further for the promulgation and interpretation of regulations regarding small loans; and to change the penalty for violation.

COMMITTEE ON BANKING

By Representative Boyd:

H. 694. Relating to the disposal or treatment of chemical warfare agents, imposing requirements on the Alabama Department of Environmental Management to assure the safe treatment or disposal of chemical weapons to prevent the release of chemical warfare agents, the injury of humans, and damage to the environment.

COMMITTEE ON STATE ADMINISTRATION

**REGULAR SESSION
11th Day**

1089

By Representative Knight (J):

H. 695. To amend Section 36-7-21, Code of Alabama 1975; to provide that institutions of higher learning may prepay travel expenses.

COMMITTEE ON WAYS AND MEANS

By Representatives Baker, Seibenhener, Millican, Dolbare, Black (L), Carothers, Buskey, Box, Kennedy, Guin, Allen, Parker (T), Hayden, Page, Houston, Minnifield, Johnson (E), Townsend, Hall (L), Reed, Galliher, Hill, and Gipson:

H. 696. To amend Section 40-12-240, Code of Alabama 1975, to exempt self-propelled wheelchairs from the definition of "motor vehicles" for licensing and registration purposes.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Carothers and Johnson (R):

H. 697. To provide further for the rights and interest in right-of-way property by a person who deeds property to the county or to a public entity, or whose property is taken by the county in condemnation proceedings for purposes of right-of-way.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Houston, Townsend, Johnson (E), Spratt, Hilliard, Minnifield, Baker, Boyd, Maul, Bandy, Mitchell, Dean, Vance, Hayden, McClammy, and McAdory:

H. 698. To make a conditional appropriation of \$130,000 from the State General Fund to Miles College for the fiscal year ending September 30, 1997 to provide housing for visiting Olympic teams.

COMMITTEE ON WAYS AND MEANS

By Representative Newton (C):

H. 699. To amend Section 38-9B-5, Code of Alabama 1975, relating to the administration of the AFT Trust, to provide further for certain payments.

COMMITTEE ON BANKING

By Representatives Carothers, Clouse, Seibenhener, and Baker:

H. 700. To propose an amendment to the Constitution of Alabama of 1901, to authorize the Legislature to fix, regulate, and alter the costs and charges of court in Houston County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Hawk:

H. 701. To repeal Section 12-3-5 of the Code of Alabama 1975, requiring the judges of the Alabama Court of Criminal Appeals and the Alabama Court of Civil Appeals to reside in Montgomery during the terms of the courts.

COMMITTEE ON JUDICIARY

By Representatives McDaniel, Sanderford, Clark (J), Hammett, Carter, Parker (T), McMillan, Penry, Vance, Clouse, Jackson, Hooper, Curry, Ford, Collins, Johnson (R), Flowers, Newton (C), Laird, Murphree, Gipson, Venable, Hamilton, Smith, Maull, Sanderson, Dolbare, Wren, Gaines, and Box:

H. 702. To establish an anti-fraud unit within the Workers' Compensation Division of the Department of Industrial Relations to investigate complaints.

COMMITTEE ON BUSINESS AND LABOR

By Representative Baker (With Notice and Proof):

H. 703. Relating to Henry County; providing for an additional transaction fee on mobile homes; providing for an additional transaction fee on certain property when it is assessed for ad valorem taxes; and providing for disposition of funds from the additional fees.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 703, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Baker (With Notice and Proof):

H. 704. Relating to Henry County; providing for an additional special transaction fee on public business filed and transacted in the office of the judge of probate; and providing for the disposition of funds from the additional fees.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 704, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

**REGULAR SESSION
11th Day**

1091

By Representative Baker (With Notice and Proof):

H. 705. Relating to Henry County; providing for an additional special transaction fee for real property and personal property documents filed and transacted in the office of the judge of probate; and providing for the disposition of funds from the additional fees.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 705, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Black (M):

H. 706. To amend Act No. 95-663, S. 512, 1995 Regular Session, now appearing as Section 10-2B-15.02 of the Code of Alabama 1975, to provide further for consequences of foreign corporations transacting business without authority.

COMMITTEE ON BANKING

By Representatives Boyd, Sims, Rogers (M), and Willis:

H. 707. To exempt the Berman Museum from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Jorgensen, Haney, Hall (A), Sanderford, Robinson, Hill, Gaines, Thomas (D), Galliher, McMillan, Vance, Pringle, Morrow, Papucci, Murphree, Payne, Townsend, Sanderson, and Smith:

H. 708. To provide that as a condition of eligibility for unemployment compensation, certain temporary employees shall contact the temporary help employer for new work upon completion of a temporary assignment.

COMMITTEE ON BUSINESS AND LABOR

By Representatives Carothers, Clouse, Seibenhener, and Baker (With Notice and Proof):

H. 709. Relating to Houston County; assessing an additional fee for any criminal or misdemeanor case proceeding in circuit, district, or juvenile court; providing for the collecting and disbursing of such funds; and prescribing that the revenue collected pursuant to the provisions of this act shall be paid into the

county treasury to be expended by the county for juvenile related purposes.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 709, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Turnham, Lindsey, and Smith:

H. 710. To amend Section 8-17-91, Code of Alabama 1975, relating to permit fees collected by the Commissioner of Agriculture and Industries, to provide further for the formula and percentages of the distribution of the proceeds.

COMMITTEE ON WAYS AND MEANS

By Representative Black (M):

H. 711. To amend Sections 26-17-12 and 26-17-13 of the Code of Alabama 1975, relating to paternity actions; to allow conflicting genetic tests to be admitted into evidence; to allow bills for pregnancy, childbirth, and genetic tests to be admitted into evidence without third party foundation testimony; and to provide that the bills would be prima facie evidence of the expenses incurred for the services.

COMMITTEE ON JUDICIARY

By Representative Black (M):

H. 712. To provide for certain classifications of state employees in the Alabama Department of Industrial Relations to be reclassified and provided with new compensation schedules and to prescribe qualifications for certain classifications and to provide for a delayed effective date.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Townsend, Allen, Murphree, and Wren:

H. 713. Relating to insurance; to provide for an effective and efficient system whereby the Commissioner of Insurance may contract with a qualified testing organization for the administration of the examinations of insurance agents and brokers; and to allow the examination fees, approved by the commissioner, for the services to be paid directly to the testing institution in lieu of the fees set forth in Section 27-4-2, Code of Alabama 1975, up to fifty dollars (\$50).

COMMITTEE ON INSURANCE

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By Representative Rogers (M) (With Notice and Proof):

H. 714. Relating to Calhoun County; to provide for a civil service system governing the appointment, separation, employment, compensation, tenure, and official conduct of employees of the county; define violations of the act and impose penalties for violations; and to repeal Act No. 384, 1969 Regular Session, and Act No. 274, 1975 Regular Session.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 714, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Spratt, Hilliard, and Houston:

H. 715. Relating to any Class 1 municipality; to provide after a referendum election on the subject, for the election of the city board of education from four single-member districts with the chair elected from a fifth district extending throughout the city; to provide for the date of the referendum and board election; and to provide for the qualifications of candidates and the terms of office of elected board members.

COMMITTEE ON LOCAL LEGISLATION NO. 2

By Representatives McDaniel, Clark (J), and Hammett:

H. 716. To amend Section 41-4-221, Code of Alabama 1975, relating to the functions, powers, and duties of the Division of Data Systems Management; to exempt the Department of Transportation from the authority of the division; to allow the Department of Transportation to control its data processing activities, including, but not limited to, systems design and programming, and selection and procurement by purchase or by lease of all data processing systems and hardware deemed necessary to best serve the data processing needs of the department; to allow the department to prepare contract specifications for equipment and services; and to allow the department to employ the personnel necessary to adequately carry out the data processing activities.

COMMITTEE ON STATE ADMINISTRATION

By Representative Morrow (With Notice and Proof):

H. 717. Relating to Franklin County; to provide for the nomination of the Franklin County Superintendent of Education.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 717, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Perdue:

H. 718. Providing for claims for unjust conviction and imprisonment.

COMMITTEE ON JUDICIARY

By Representative McClammy (With Notice and Proof):

H. 719. Relating to Montgomery County; providing further for the compensation of the elected official in the position of judge of probate.

COMMITTEE ON LOCAL LEGISLATION NO. 5

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 719, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Holmes (With Notice and Proof):

H. 720. Relating to Montgomery County; providing additional compensation for the members of the Montgomery County Board of Education; and repealing Act. No 82-356, H. 710 of the 1982 Regular Session (Acts 1982, p. 510).

COMMITTEE ON LOCAL LEGISLATION NO. 5

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 720, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative McMillan:

H. 721. To amend Section 36-27-51 of the Code of Alabama 1975, to reopen the Employees' Retirement System of Alabama to allow certain local employees to purchase credit for certain prior service rendered to nonparticipating employers eligible for participation in the system.

COMMITTEE ON WAYS AND MEANS

RESOLUTIONS

The following resolutions were introduced:

By Representative Flowers:

H.J.R. 261. MOURNING THE DEATH OF JOE M. YOUNG OF BRUNDIDGE, ALABAMA.

The resolution, H.J.R. 261, was read and referred to the Standing Committee on Rules.

Also:

By Representative Willis:

H.J.R. 262. RECOGNIZING AUGUST 9, 1996, AS AGRICULTURE TEACHERS' DAY IN ALABAMA.

The resolution, H.J.R. 262, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Reed:

H.R. 263. COMMENDING THE TUSKEGEE UNIVERSITY SCHOOL OF VETERINARY MEDICINE ON ITS FIFTIETH ANNIVERSARY.

Also:

By Representative Collins:

H.R. 264. COMMENDING THE SULLIGENT HIGH SCHOOL LADY BLUE DEVILS BASKETBALL TEAM AS 1996 AHSAA CLASS 3A STATE CHAMPIONS.

Also:

The following resolution was introduced:

By Representative Reed:

H.J.R. 265. COMMENDING THE TUSKEGEE UNIVERSITY SCHOOL OF VETERINARY MEDICINE ON ITS FIFTIETH ANNIVERSARY.

The resolution, H.J.R. 265, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Turnham and Venable:

H.R. 266. COMMENDING EMILY LEISCHUCK ON HER OUTSTANDING CONTRIBUTIONS TO AUBURN UNIVERSITY.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 259. URGING THE PRESIDENT OF THE UNITED STATES TO DECLARE DALLAS, LEE, MONTGOMERY, AND TUSCALOOSA COUNTIES AS DISASTER AREAS AS A RESULT OF THE TORNADOES OF MARCH 6, 1996.

WHEREAS, on March 6, 1996, killer tornadoes swept into the state and left a dreadful path of destruction which claimed the lives of seven persons and caused millions of dollars in property damage; and

WHEREAS, the counties of Dallas, Lee, Montgomery, and Tuscaloosa suffered a substantial amount of the total damage caused by the tornadoes; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby urge and implore the President of the United States to declare the counties of Dallas, Lee, Montgomery, and Tuscaloosa as disaster areas and make available to these counties all available federal assistance.

RESOLVED FURTHER, That a copy of this resolution be forwarded to the President of the United States and each member of the United States Senate and House of Representatives who represent the State of Alabama.

On motion of Representative Carter, the resolution, H.J.R. 259, was adopted.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H.J.R. 259:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey:

S. 72. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology until October 1, 1997.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 72. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey:

S. 74. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Funeral Service.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 74. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey:

S. 73. To make certain statutory changes to the Alabama Board of Cosmetology suggested by the Alabama Sunset Committee pursuant to Section 41-20-5, Code of Alabama 1975; to amend Section 34-7-40, Code of Alabama 1975, relating to the board, so as to remedy conflicting provisions regarding term length of board members.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 73. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey:

S. 78. To make certain statutory changes to the Alabama Liquefied Petroleum Gas Board suggested by the Alabama Sunset Committee pursuant to Section 41-20-5, Code of Alabama 1975; to amend Section 9-17-101, Code of Alabama 1975, relating to the board, so as to provide minority representation on the board.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 78. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey:

S. 77. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Liquefied Petroleum Gas Board.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 77. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey:

S. 76. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Heating and Air Conditioning Contractors with certain modifications; to amend Section 34-31-20, Code of Alabama 1975, so as to provide minority representation on the board.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 76. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey:

S. 75. To make certain statutory changes to the Alabama Board of Funeral Service suggested by the Alabama Sunset Committee pursuant to Section 41-20-5, Code of Alabama 1975; to amend Sections 34-13-26 and 34-13-111, Code of Alabama 1975, relating to the board, so as to require that rules and regulations of the board be adopted in compliance with the Alabama Administrative Procedure Act; and to delete references to branch funeral establishments.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 75. State Administration.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey:

S. 81. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Oil and Gas Board.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 81. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey:

S. 80. To make certain statutory changes to the Board of Examiners of Mine Personnel suggested by the Alabama Sunset Committee pursuant to Section 41-20-5, Code of Alabama 1975; to amend Section 25-9-9, Code of Alabama 1975, relating to the board, so as to provide minority representation on the board.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 80. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey:

S. 79. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Mine Personnel.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 79. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey:

S. 87. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Public Service Commission.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 87. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey:

S. 86. To make certain statutory changes to the Board of Examiners in Psychology suggested by the Alabama Sunset Committee pursuant to Section 41-20-5, Code of Alabama 1975; to amend Section 34-26-21, Code of Alabama 1975, relating to the board, so as to exempt public board members from the nomination process in filling vacancies on the board.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 86. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey:

S. 85. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners in Psychology.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 85. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey:

S. 89. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Real Estate Appraisers Board.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 89. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey:

S. 88. To make certain statutory changes to the Public Service Commission suggested by the Alabama Sunset Committee pursuant to Section 41-20-5, Code of Alabama 1975; to amend Section 37-1-8, Code of Alabama 1975, relating to the commission, so as to provide further for meeting days.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 88. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey:

S. 84. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbers and Gas Fitters Examining Board with certain modifications; to amend Section 34-37-3, Code of Alabama 1975, so as to provide minority representation on the board.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 84. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey:

S. 90. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Real Estate Commission.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 90. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey:

S. 91. To make certain statutory changes to the Alabama Real Estate Commission suggested by the Alabama Sunset Committee pursuant to Section 41-20-5, Code of Alabama 1975; to amend Sections 34-27-2, 34-27-7, 34-27-32, 34-27-35, and 34-27-36, Code of Alabama 1975, relating to the commission, so as to correct a technical error; to add a public member to the commission; to delete unconstitutional language that requires an applicant for a company or broker license to maintain a place of business within the state; to exempt inactive licensees from continuing education requirements; and to require the commission to notify the complainant and the licensee in writing regarding the disposition of a complaint.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 91. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey:

S. 93. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Social Work Examiners.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 93. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey:

S. 94. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Telecommunications Division of the Department of Finance.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 94. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey:

S. 92. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Securities Commission with certain modifications; to amend Section 8-6-51, Code of Alabama 1975, so as to provide minority representation on the commission.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 92. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Bailey:

S. 71. To make certain statutory changes to the State Board of Auctioneers suggested by the Alabama Sunset Committee pursuant to Section 41-20-5, Code of Alabama 1975; to amend Sections 34-4-21 and 34-4-50, Code of Alabama 1975, relating to the board, so as to clarify the license fees charged auctioneers and apprentice auctioneers; to clarify the qualifications of board members; to provide minority and consumer representation on the board; and to repeal Section 34-4-27, Code of Alabama 1975.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 71. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Bailey:

S. 83. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Pilotage Commission with certain modifications; to amend

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Section 33-4-3, Code of Alabama 1975, so as to provide that commissioners after a specified date shall be confirmed by the Senate.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 83. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Smith (With Notice and Proof):

S. 25. Relating to Etowah County; abolishing the Office of Constable in Etowah County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 25, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 25. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Barron (With Notice and Proof):

S. 341. Relating to DeKalb County; providing for an advisory referendum on the question of whether the members of the county board of education shall be elected from districts.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 341, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 341. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Butler (With Notice and Proof):

S. 474. Relating to Madison County; exempting the Monrovia Parks and Recreation Association from the payment of all county and municipal sales and use taxes; and exempting all property owned and used by this organization from county and municipal ad valorem taxes.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 474, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 474. Local Legislation No. 4.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Denton (With Notice and Proof):

S. 467. Relating to Lauderdale County; authorizing the county commission to collect certain taxes, licenses, and other fees and revenues currently being collected by the State Department of Revenue.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 467, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 467. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Denton:

S. 465. Proposing a local constitutional amendment to the Alabama

Constitution of 1901, pertaining only to Lauderdale County, to authorize the Legislature by general or local law, from time to time, to alter the costs and charges of courts in the county.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read a first time at length as required by the Constitution and referred to the Standing Committee as follows:

S. 465. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Mitchell (With Notice and Proof):

S. 350. Relating to Crenshaw County; to exempt Crenshaw Baptist Hospital from local sales and use taxes.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 350, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 350. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Barron (With Notice and Proof):

S. 345. Relating to DeKalb County; providing for an advisory referendum on the question of whether the county superintendent of education shall be elected by the electors residing outside the city limits of the City of Fort Payne.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 345, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 345. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Barron (With Notice and Proof):

S. 342. Relating to DeKalb County; providing for an advisory election on the question of whether the members of the county commission shall be elected from districts.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 342, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 342. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Barron (With Notice and Proof):

S. 343. Relating to DeKalb County; providing for an advisory referendum on the question of whether the chair of the county commission shall be combined with the Office of the Judge of Probate.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 343, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 343. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

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By Senator Barron (With Notice and Proof):

S. 340. Relating to Jackson County; amending Section 1 of Act No. 79-349, H. 761 of the 1979 Regular Session (Acts 1979, p. 562), providing that the county commission may levy and collect a severance tax on coal; and providing further for the rate of the severance tax on coal to be collected.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 340, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 340. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Denton (With Notice and Proof):

S. 466. Relating to Lauderdale County; to provide additional court costs in criminal cases; and to distribute the proceeds for the county work release program and for county jail purposes.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 466, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 466. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Denton (With Notice and Proof):

S. 468. Relating to Lauderdale County; providing for a delinquency fee on delinquent tax payments and providing for disposition of funds from the additional fees.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 468, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 468. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

**REGULAR SESSION
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By Senator Denton (With Notice and Proof):

S. 469. Relating to Lauderdale County; providing for a transaction fee, transfer fee of motor vehicle license tags, and a delinquency fee; and providing for the dispositions of the funds from the fees.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 469, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 469. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Denton (With Notice and Proof):

S. 470. Relating to Lauderdale County; to provide for additional recording fees; and to provide for the disposition of the fees.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 470, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 470. Local Legislation No. 1.

BILLS ON THIRD READING**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Vance, the Budget Isolation Resolution relating to the bill, H. 431, was adopted.

Yeas 46; Nays 0.

Yea:

Mr. Speaker, Carns, Carothers, Carter, Clouse, Collins, Curry, Dolbare, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hawkins, Hayden, Hill, Houston, Jackson, Johnson (R), Knight (A), Lindsey, McAdory, McDaniel, Moore, Morrison, Morton, Murphree, Newton (C), Parker (P), Parker (T), Payne, Perdue, Petelos, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Townsend, Turnham, Vance and Warren.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 431. Proposing an amendment to the Constitution of Alabama of 1901; relating to legalizing certain operations of bingo games for prizes or money for charitable or educational purposes in Russell County and the cities and towns of the county.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

**REGULAR SESSION
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Yeas 65; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Box, Burke, Buskey, Carothers, Carter, Clouse, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Galliher, Gipson, Graham, Guin, Hall (L), Hammett, Hayden, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (J), Laird, Lindsey, Mauld, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Newton (D), Parker (T), Penry, Perdue, Pringle, Reed, Rogers (M), Sanderford, Seibenhener, Sims, Spratt, Thomas (J), Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-65

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Vance, the Budget Isolation Resolution relating to the bill, H. 432, was adopted.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Buskey, Carothers, Carter, Clouse, Collins, Dean, Dolbare, Ford, Galliher, Gaston, Gipson, Guin, Hayden, Hilliard, Hogan, Houston, Jackson, Johnson (R), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Minnifield, Moore, Morton, Papucci, Penry, Perdue, Rogers (M), Sanderford, Seibenhener, Sims, Spratt, Turnham, Vance, Warren, Willis and Wren.

-44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 432. (With Substitute): To provide for the implementation of a constitutional amendment authorizing the county commission to regulate the operation of bingo in Russell County, Alabama.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for the implementation of a constitutional amendment authorizing the county commission to regulate the operation of bingo in Russell County, Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. As used in this act the following words shall mean the following, unless the context clearly indicates otherwise:

(1) BINGO. The game, commonly known as bingo, where numbers or symbols on a card are matched with numbers or symbols selected at random.

(2) BINGO SESSION. A consecutive period of time not to exceed five consecutive hours during which bingo is played in a given day and not to exceed two days in a given week, except for special permit holders.

(3) LOCATION. A single building, hall, enclosure, or outdoor area used for the purpose of playing bingo pursuant to a permit or license issued under this act.

(4) PERMIT HOLDER. A qualified organization or qualified club which has a permit or license pursuant to this act.

(5) PERSON. Any human being, corporation, association, or other legal entity.

(6) QUALIFIED CLUB. A private club with annual membership dues of three hundred dollars (\$300) or more.

(7) QUALIFIED ORGANIZATION. A bona fide religious, educational, service, senior citizens, fraternal, or veterans' organization which qualifies as an exempt organization under Section 501(c) of the Internal Revenue Code and operates without profit to its members and, except for special permit holders issued pursuant to Section 4, which has been in existence continuously as that organization for a period of five years and which has owned or leased real property in Russell County for at least five years immediately prior to making application for operating bingo in Russell County.

(8) SPECIAL PERMIT HOLDER. One who holds a valid permit for a special occasion as provided by Section 4 of this act.

Section 2. The operation of bingo games for prizes or money by qualified organizations or qualified clubs for bona fide charitable, educational, or other lawful purposes shall be legal in Russell County, subject to this act.

Section 3. (a) No qualified organization or club shall be permitted to operate a bingo game unless the sheriff of the county first issues a permit to the organization or club authorizing it to do so. The permit described in this act is in addition to, and not in lieu of, any other business licenses which may be required by law, and no bingo game shall be operated until all required licenses have been obtained. A permit holder may hold only one permit and that permit is valid for only one location. A permit is not assignable or transferable. Only one permit may be issued for any location.

(b) Any qualified organization or club desiring to obtain a permit to operate bingo games in a calendar year shall apply to the sheriff, on forms provided by that office, and shall pay an annual fee of one hundred dollars (\$100). Renewal applications shall also be filed with the sheriff. The sheriff shall refuse to grant a bingo permit to any applicant who fails to fully provide the information required by this subsection. Each applicant for a permit shall prove its length of existence and the ownership of real property in Russell County for at least the five years immediately preceding the application and provide the following information:

(1) The name and home address of the applicant and, if the applicant is a corporation, association, private club, or other similar legal entity, the names and home addresses of each of the officers of the organization or club, as well as the names and addresses of the directors, or other persons similarly situated, of the organization or club.

(2) The names and home addresses of each person who will be operating or promoting the bingo game.

(3) The names and home addresses of persons, organizations, clubs, or other legal entities that will act as surety for the applicant.

(4) The location at which the applicant will conduct the bingo games. Bingo games shall be held only on the premises wholly owned by a qualified permit holder with exception to a rental agreement pursuant to this act.

(5) A statement showing the convictions, if any, for criminal offenses, other than minor traffic offenses, of each of the persons listed in subdivisions (1), (2), and (3) above.

(c) Permits may be amended upon resubmission of application, surrender of permit, and payment of a twenty-five dollar (\$25) fee.

Section 4. (a) A qualified organization or club which does not hold a permit, pursuant to Section 3, may apply for a special permit for conducting a bingo session at a designated location for a special occasion. The applicant shall submit

to the sheriff a written application prepared in accordance with and on a form prescribed by rule of the sheriff. The application for a special permit shall include the information required by subsection (b) of Section 3, except that the applicant shall indicate the day or days on which the applicant will conduct the bingo session for the special occasion not to exceed one day per quarter per organization or club. Upon the sheriff determining that the applicant is a qualified organization or club, except that a special permit holder shall not be required to own or lease property five years prior to making application for a special permit, and is not ineligible pursuant to Section 13, and upon the applicant's payment of the required fee under this subsection to the office of sheriff, the sheriff may issue a special permit.

(b) A special permit shall contain the name and address of the permit holder and shall specify the location and the day on which the permit holder may conduct the bingo session. The location may not be a location where any other permit holder or special permit holder conducts bingo sessions.

(c) No more than one special permit may be issued to the same qualified organization or qualified club per quarter, not to exceed four per year.

(d) Special permits are not transferable or assignable.

Section 5. (a) Each bingo permit shall contain the name and address of the permit holder, the location at which the permit holder is permitted to conduct bingo, and the day or days of the week on which the permit holder is permitted to conduct bingo.

(b) The bingo permit holder shall display the permit conspicuously at the location where bingo is being conducted at all times during the conduct of the games.

Section 6. (a) It is the intention of the Legislature that only qualified organizations or qualified clubs which are properly issued permits or licenses, or special permits, pursuant to this act, shall be allowed to operate bingo games. A qualified organization or qualified club shall not lend its name or allow its identity to be used by any other person in operating or promoting a bingo game in which the other person has a substantial financial interest.

(b) All bingo cards shall be clearly marked with the name of the organization using the cards and it shall be unlawful for one qualified organization or qualified club to use cards owned by another. Notwithstanding anything to the contrary, with the consent of the sponsoring organization, any individual participant may use his or her personal card, but that individual is not exempt from any fees or charges.

(c) It shall be unlawful for two or more qualified organizations to pyramid the valuation of prizes in a manner to exceed the limits in cash, or gifts of equivalent value, as provided in Section 9. The term "equivalent value" shall mean the fair market value of the gift on the date the gift is given as the prize in a bingo game.

(d) Except as otherwise provided by this act, a qualified organization or qualified club may deduct the reasonable expenses of operating and conducting its bingo games. Reasonable expenses shall be defined as including customary and usual business overhead expenses and as specified in Section 8 of this act.

(e) No person shall pay consulting fees to any person for any services performed in relation to the operation or conduct of a bingo game.

Section 7. All fees collected by the sheriff under this act shall be paid into the county fund, and all necessary expenses incurred by that official in the administration and enforcement of this act shall be financed from that general fund, with the remainder distributed to the senior citizens organizations in Russell County.

Section 8. No less than 100 percent of the net proceeds of a bingo game shall be designated and expended for charitable or educational purposes. Net proceeds means gross proceeds less reasonable expenses incurred or paid in connection with the holding, operating, or conducting of bingo, including the following bona fide expenses, in reasonable amounts:

(1) The purchase or rental of equipment necessary for conducting bingo and payment of services reasonably necessary for the repair and maintenance of equipment.

(2) Payment of cash prizes or the purchase of prizes of merchandise.

(3) Reasonable rental or mortgage payment on the location at which bingo is conducted.

(4) Insurance on the facilities and liability coverage, as is reasonable for the operation of bingo.

(5) Utilities.

(6) Janitorial services.

(7) The fee required for issuance or reissuance of a permit to conduct bingo.

(8) Other reasonable expenses incurred by the permit holder, not inconsistent with this act.

Section 9. (a) Bingo may not be conducted with any equipment which is not owned, being purchased, or being rented at a reasonable rate by the permit holder, except as otherwise provided in Section 6(b).

(b) Prizes given by any organization for the playing of bingo games shall not be less than 50 percent of the gross receipts in cash or gifts of equivalent value during any bingo session.

(c) A permit holder may not advertise bingo except to the extent and in the manner authorized by rule of the sheriff. If the sheriff allows a permit holder to advertise bingo, the permit holder shall indicate in the advertisement the purposes for which the net proceeds will be used by the permit holder.

(d) A permit holder shall display its bingo license conspicuously at the location where the bingo game is conducted.

(e) A permit holder shall conduct bingo games only at the single location specified in the permit holder's application.

(f) A permit holder, pursuant to Section 3 of this act, shall not conduct more than one bingo session during any one calendar week and no session shall exceed five hours.

(g) The same organization or club shall not be issued a special permit more than once quarterly and no session shall exceed five hours.

(h) No person under the age of 19 years shall be permitted to play, unless accompanied by a parent or guardian, any game or games of bingo conducted pursuant to any permit issued under this law. No person under the age of 19 years shall be permitted to conduct or assist in conducting any game of bingo conducted pursuant to this act.

Section 10. Each permit holder shall maintain the following records pertaining to each bingo session for at least one year from the date of the session:

(1) An itemized list of gross receipts for each session.

(2) An itemized list of all expenses, including the name of each person to whom the expenses are paid and a receipt or invoice for all expenses.

Section 11. (a) On or before April 15th, after this act has been in effect for one year, and on or before April 15 of each calendar year thereafter, each permit holder shall file with the sheriff a copy of the records required in Section 10 relating to the operation of bingo sessions in the previous calendar year. The records shall be open to inspection by any law enforcement agency.

(b) The records required to be kept by Section 10 by the permit holder for the preceding one year shall be open to inspection by the sheriff, any law enforcement agency, or the duly authorized representatives of either during reasonable business hours.

(c) The location at which bingo is being conducted, or at which an applicant or permit holder intends to conduct bingo, shall be open to inspection during regular business hours by the sheriff or any law enforcement agency.

Section 12. The sheriff, for good cause shown, may revoke any permit if the permit holder or any officer, director, agent, member, or employee of the permit holder violates this act or rules promulgated pursuant to this act. The revocation by the sheriff shall become effective 10 days after proper notice by the sheriff to the permit holder unless within the 10-day period the permit holder makes a written request for a hearing to the county governing body. All existing rules and procedures for meetings and hearings before the county governing body of Russell County shall apply unless in direct conflict with this act. Following a full hearing and the rendering of a written decision by the county governing body, either party may appeal the decision directly to the Circuit Court of Russell County and request a trial by jury. The rendering of a decision adverse to the permit holder by the municipal governing body shall result in the immediate revocation of the subject permit.

Section 13. (a) A permit holder whose permit or special permit is revoked for a violation of this act or a rule promulgated under this act, is ineligible to apply for a permit for a period of one year after the revocation.

(b) A person convicted of an offense under Section 15 or any other gambling offense is ineligible to serve as an officer or a permit holder, or to participate in conducting bingo for a period of one year after the conviction becomes final. If the person is licensed pursuant to this act, the person shall forfeit the permit and is ineligible to apply for the issuance or reissuance of the permit for a period of one year from the date of conviction.

(c) If the permit is revoked, in addition to other penalties which may be imposed, the sheriff may declare the violator ineligible to conduct a bingo game or apply for a permit under this act for a period not exceeding one year.

(d) The permit holder shall return its permit to the sheriff on or before the effective date of a revocation or forfeiture. Whether returned or not, the permit shall not be valid beyond the effective date of the revocation or forfeiture.

Section 14. The circuit court of the county shall have jurisdiction to restrain or enjoin violations of this act and shall afford trial by jury for all appeals directed to it for alleged violations of this act leading to revocations of existing permits.

Section 15. Any person who violates this act shall be guilty of a Class C misdemeanor upon first conviction under this act. Any subsequent conviction shall be a Class A misdemeanor. Any person who is convicted under this section shall be punished as provided by law.

Section 16. Any device, equipment, record, money, or stakes used in any bingo game or operation in violation of this act, may be contraband and may be seized and be forfeited. Property forfeited may be sold, destroyed, or retained for official use by the municipal, county, state, or law enforcement agencies, as the circuit court directs following a full due process hearing.

Section 17. Any other law providing a penalty or disability on a person who conducts or participates in bingo games, who possesses equipment used in conducting bingo, who permits bingo to be conducted on his or her premises, or who does other acts in connection with bingo, shall not apply to the conduct when done pursuant to this act or rules promulgated under this act.

Section 18. This act is severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 19. All laws or parts of laws which conflict with this act are repealed.

Section 20. This act shall become effective upon the adoption of an amendment to the Constitution of Alabama of 1901, authorizing bingo in Russell County. The election may be called no more frequently than every two years. If the amendment is approved by a majority of the qualified electors of Russell County who vote upon its submission, that election shall constitute a referendum election held for this purpose and no further election need be called.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 37; Nays 0.

Yea:

Mr. Speaker, Buskey, Carothers, Carter, Clouse, Dean, Dolbare, Flowers, Gaston, Gipson, Guin, Hawk, Hayden, Hilliard, Houston, Jackson, Johnson (R), Lindsey, Maull, McAdory, McDaniel, McMillan, Millican, Minnifield, Moore, Morton, Newton (C), Parker (T), Penry, Perdue, Rogers (M), Seibenhener, Sims, Spratt, Turnham, Vance and Willis.

-37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 432. To provide for the implementation of a constitutional amendment authorizing the county commission to regulate the operation of bingo in Russell County, Alabama.

as amended, was read a third time at length and passed, and ordered engrossed.

**REGULAR SESSION
11th Day**

1127

Yeas 56; Nays 1.

Yea:

Mr. Speaker, Baker, Black (L), Box, Buskey, Carothers, Carter, Clouse, Dean, Dukes, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hawk, Hayden, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (R), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morton, Newton (C), Papucci, Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderford, Seibenhener, Sims, Spratt, Turnham, Vance, Warren, White, Willis and Wren.

-56

Nay:

Representative Dolbare.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Baker, the Budget Isolation Resolution relating to the bill, H. 499, was adopted.

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Box, Buskey, Carns, Carothers, Carter, Clouse, Collins, Dean, Ford, Gaston, Gipson, Guin, Hawk, Hill, Hilliard, Hinshaw, Hooper, Houston, Johnson (R), Knight (A), Knight (J), Lindsey, Maull, McAdory, McDaniel, Minnifield, Moore, Morton, Newton (C), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (M), Seibenhener, Smith, Spratt, Turnham, Vance, Venable and Warren.

-47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 499. To propose an amendment to the Constitution of Alabama of 1901, relating to Henry County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments in the county; providing for expenditure and accounting of the funds; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Dean, Dukes, Flowers, Ford, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hooper, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Lindsey, Maull, McAdory, McKee, Minnifield, Moore, Morton, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-64

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Vance, the Budget Isolation Resolution relating to the bill, H. 526, was adopted.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Box, Burke, Buskey, Carothers, Carter, Clouse, Collins, Dean, Flowers, Ford, Gaston, Gipson, Guin, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hooper, Jackson, Johnson (E), Johnson (R), Laird, Lindsey, Maull, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Smith, Spratt, Thomas (D), Thomas (J), Turnham, Vance, Warren and Wren.

-53

**REGULAR SESSION
11th Day**

1129

And the bill:

H. 526. Relating to Russell County; providing for an additional expense allowance and salary for the sheriff, and for the expiration of the expense allowance.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Box, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Dean, Flowers, Gaines, Gaston, Gipson, Guin, Hammett, Hawk, Hawkins, Hill, Hilliard, Hooper, Johnson (E), Johnson (R), Laird, Lindsey, Maull, McMillan, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Turnham, Vance, Venable, Warren and Willis.

-57

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Dolbare, the Budget Isolation Resolution relating to the bill, H. 601, was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Dean, Ford, Gaines, Gaston, Gipson, Hall (A), Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Maull, McClammy, McKee, McMillan, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-64

And the bill:

H. 601. Relating to Choctaw County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the

supervision of an elected county official designated as the county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing that the substantive provisions of the act shall become effective on approval of the electors.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Dean, Dolbare, Gaines, Gaston, Gipson, Hill, Hilliard, Hinshaw, Houston, Johnson (E), Johnson (R), Knight (A), Knight (J), Maull, McAdory, McClammy, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Turnham, Vance, Venable, Warren and Willis.

-59

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Rogers (M), the Budget Isolation Resolution relating to the bill, H. 609, was adopted.

Yeas 42; Nays 0.

Yea:

Mr. Speaker, Baker, Buskey, Carns, Carothers, Carter, Clouse, Collins, Dean, Ford, Gaines, Gaston, Gipson, Guin, Hawk, Hawkins, Hill, Houston, Johnson (R), Knight (A), Lindsey, Maull, McAdory, Minnifield, Moore, Morton, Murphree, Payne, Petelos, Pringle, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Warren and Willis.

-42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REGULAR SESSION
11th Day

1131

And the bill:

H. 609. To propose an amendment to the Constitution of Alabama of 1901, relating to Calhoun County; providing for fire protection in the county; levying a special property tax for fire protection; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments; providing for expenditure and accounting of the funds; providing for the tax to end upon dissolution of the Calhoun County Volunteer Firefighters' Association; granting immunity from certain liability to the county; and providing for a referendum on this amendment.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 1.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Dean, Flowers, Gaines, Gaston, Gipson, Guin, Haney, Hawk, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McKee, Millican, Minnifield, Moore, Morton, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-67

Nay:

Representative Hall (A).

- 1

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Newton (C) offered the motion to reconsider the vote by which the bill, H. 609, was passed, and the motion to reconsider was adopted.

And the bill, H. 609, was again read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Knight (A), Laird, Lindsey, Maull, McAdory, McDaniel, Millican, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderson, Seibenhener, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Venable, Warren and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hall (A), the Budget Isolation Resolution relating to the bill, H. 469, was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Burke, Buskey, Carns, Carter, Clouse, Collins, Curry, Dean, Dukes, Gaines, Gaston, Gipson, Guin, Hall (A), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Lindsey, Maull, McAdory, McDaniel, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Papucci, Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Vance and Willis.

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And the bill:

H. 469. (With Substitute) (With Amendments): Proposing an amendment to Amendment 334 of the Constitution of Alabama of 1901, relating to the Madison County Judicial Commission; specifying the membership, powers, and method of operation of the commission.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 4, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Proposing an amendment to Amendment 334 of the Constitution of Alabama of 1901, relating to the Madison County Judicial Commission; specifying the membership, powers, and method of operation of the commission.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to Amendment 334 of the Constitution of Alabama of 1901, is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

PROPOSED AMENDMENT

"Amendment No. 334

"All vacancies in the office of judge of the circuit court and the office of judge of the district court holding in Madison County shall be filled in the manner and for the time as herein provided.

"The Madison County Judicial Commission is created for the purpose of nominating to the Governor persons for appointment to such a vacancy. The commission shall be composed of nine members. The members of the commission shall be two persons who are members of the Alabama State Bar, one judge of the circuit court holding in Madison County, two members appointed by Members of the Alabama House of Representatives who represent Madison County, irrespective of whether such Members of the House of Representatives reside in Madison County, two members appointed by Members of the Alabama Senate who represent Madison County, irrespective of whether such Members of the Senate reside in Madison County, and two members appointed jointly by these Members of the House of Representatives and Members of the Senate.

"All members of the commission shall reside in the territorial jurisdiction of the circuit court holding in Madison County.

"The two members of the commission who are required to be members of the Alabama State Bar shall be elected by the members of such bar who are regularly licensed and qualified to practice law in this state and who reside in the territorial jurisdiction of the circuit court holding in Madison County. The Executive Committee of the Madison County Bar Association or its successor body in such capacity, is authorized and directed to make rules, not inconsistent with this amendment, for the election of such members of the commission as are required to be members of the Alabama State Bar. The executive committee shall certify in writing to the Judge of Probate of Madison County the names of the persons elected as members of the commission by these members of the bar.

"The Members of the Alabama House of Representatives who represent Madison County, irrespective of whether these members reside in Madison County, shall make one initial appointment of a member of the commission immediately upon the adoption of the amendment adding this amendatory language and shall make the other initial appointment upon the first expiration of the term of office of a member previously appointed pursuant to this amendment by the Senators and Representatives in the Alabama Legislature residing in Madison County. These Members of the Alabama House of Representatives representing Madison County shall make all succeeding appointments to these two positions. These appointees shall not be members of the Alabama State Bar.

"The Members of the Alabama Senate representing Madison County, irrespective of whether these members reside in Madison County, shall make one initial appointment of a member of the commission immediately upon the adoption of the amendment adding this amendatory language and shall make the other initial appointment upon the expiration of the term of office of the last member previously appointed pursuant to this amendment by the Senators and Representatives of the Alabama Legislature residing in Madison County. These Members of the Alabama Senate representing Madison County shall make all succeeding appointments to these two positions. These appointees shall not be members of the Alabama State Bar.

"The Members of the House of Representatives and Senate representing Madison County, irrespective of whether these members reside in Madison County, shall jointly make two initial appointments upon the adoption of the amendment adding this amendatory language. These Members of the House of Representatives and the Senate shall jointly make all succeeding appointments to these two positions. These appointees shall not be members of the Alabama State Bar.

"These Members of the House of Representatives and Senate, respectively, shall certify in writing to the Judge of Probate of Madison County the names of persons appointed by them to the commission.

"The judges of the circuit court holding in Madison County shall elect the member of the commission who is required to be a judge of the circuit court. The judges of the circuit court shall certify in writing to the judge of probate the name of the circuit judge elected by the circuit judges as a member.

"The terms of office of all members of the commission shall be six years. A vacancy in the office of a member of the commission shall be filled for the unexpired term in the same manner as the member was originally chosen.

"The Judge of Probate of Madison County shall record all such certificates of election and shall safely and permanently keep the original certificates. Forthwith upon his or her receipt and recordation of every certificate, the judge of probate shall send to the Governor a certified copy of every certificate.

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"No member of the commission shall be eligible for nomination to the Governor for appointment as judge of the circuit court or the district court during the term of office of the commission member.

"The members of the commission shall not receive any salary or other compensation for their services as members. No member of the commission other than the member required to be a judge of the circuit court shall hold any public office, and no member of the commission shall hold any official position in any political party.

"If a vacancy occurs in the office of judge of the circuit court or the office of judge of the district court holding in Madison County, the commission shall nominate to the Governor three persons having the qualifications for the office. The names of all persons considered for nomination shall be available for review by the public and shall be deemed a public record. A nomination shall be made only by the concurrence of at least five members of the commission, which vote shall be conducted at a public meeting. The Governor shall appoint to the office in which the vacancy exists one of the three persons so nominated for the office. If the Governor fails to make an appointment from the list within 30 days from the date it is presented to the Governor, the appointment shall be made by the Chief Justice or the acting Chief Justice of the Supreme Court from the same list. The appointee shall hold such office until the next general election for any state officer held at least six months after the vacancy occurs and until a successor is elected and qualified. The successor shall hold office for the unexpired term and until his or her successor is elected and qualified."

Section 2. An election upon the proposed amendment shall be held in accordance with Amendment 555 to the Constitution of Alabama of 1901, and the general election laws of this state.

Section 3. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Relating to Madison County, proposing an amendment to Amendment 334 of the Constitution of Alabama of 1901, that increases the membership of the Madison County Judicial Commission and specifies that the commission would make district court judicial nominations.

Proposed by Act _____"

This description shall be followed by the following language:

"Yes () No ()."

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Dean, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Lindsey, Maull, McAdory, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance and Willis.

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The question was then on the adoption of the amendment #1 reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

On page 1, on line 18, after "vacancy," insert: clarify the term of office of the judicial officer assuming office,

On page 2, on line 2, after "commission" insert: , and clarifying the term of office of the judicial officer assuming office

On page 6, delete lines 23 and 24 in their entirety and insert in lieu thereof: qualified. At the general election, the judicial office shall be filled for a full term of office to commence on the first Monday after the second Tuesday in January following the general election."

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Burke, Carns, Carter, Clouse, Collins, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson,

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Johnson (E), Jorgensen, Kennedy, Knight (A), Lindsey, Maull, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham and Willis.

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The question was then on the adoption of the amendment #2 reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

On page 6, on line 13, after "public meeting." insert: The member of the commission elected by the judges of the circuit court holding in Madison County shall only vote on matters before the commission in instances when the vote by other commission members has resulted in a tie.

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Buskey, Carns, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Jorgensen, Kennedy, Knight (A), Lindsey, Maull, McAdory, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Warren and Willis.

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And the bill:

H. 469. Proposing an amendment to Amendment 334 of the Constitution of Alabama of 1901, relating to the Madison County Judicial Commission; specifying the membership, powers, and method of operation of the commission, and clarifying the term of office of the judicial officer assuming office.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Burke, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Maull, McAdory, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turnham, Warren and Willis.

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RECESS

On motion of Representative Parker (T), the House recessed to the call of Chair.

HOUSE RECONVENED

House reconvened. The Speaker called the House to order.

MOTION TO RECESS ADOPTED

The motion offered by Representative Carter that the House recess from 12:00 o'clock Noon until 1:15 o'clock p.m. was adopted.

Yeas 36; Nays 22.

Yea:

Mr. Speaker, Baker, Black (L), Box, Carns, Clouse, Curry, Dean, Flowers, Gaines, Galliher, Gipson, Guin, Hawk, Hayden, Hill, Hogan, Jackson, Johnson (E), Jorgensen, Knight (A), McDaniel, McMillan, Murphree, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Townsend, Turnham, Vance and Willis.

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Nay:

Representatives Buskey, Carothers, Carter, Clark (W), Crigler, Dolbare, Dukes, Hawkins, Johnson (R), Laird, Maull, Millican, Mitchell, Morrison, Newton (C), Parker (P), Parker (T), Reed, Smith, Thomas (J), Venable and Warren.

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MOTION TO ADJOURN ADOPTED

Representative Carter offered the motion that when the House adjourns today, it adjourns to meet again at 5:00 o'clock p.m. on Tuesday, March 19, 1996, and the motion was adopted.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 267. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the eleventh legislative day, Thursday, March 14, 1996, taking precedence over the regular order of business or any pending or unfinished business:

And the Following Bills:

Inst Id	Page
H. 84 - By Venable (As Amended and Substituted)	1
Elections, requirements for counting and authenticating absentee ballots, provided, Secs. 17-10-7, 17-10-9, 17-10-10 am'd.	
H. 507 - By Venable (As Amended)	40
Voter identification, procedure estab.	
H. 563 - By Carothers (As Amended)	59
Natural Death Act, advance directive for health care and living will further provided for, Secs. 22-8A-2 to 22-8A-10, inclusive, am'd.	

Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id	Page
H. 546 - By McDaniel	73

National Highway System highways, outdoor advertising reg., spacing of signs and conversion of spacing measurements to metric system, Secs. 23-1-271 to 23-1-274, 23-1-278 to 231-280 am'd.; Act 95-566, 1995 Reg. Sess. am'd.

H. 545 - By McDaniel	66
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Transportation Dept., insurance for on-job injuries, alt., Secs. 36-29A-2, 36-29A-7 am'd.

H. 623 - By Johnson (E)	73
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Iron and Steel Society, Inc., exempt from all st., co., and mun. sales and use taxes for expenses incurred during annual conference in Birmingham on March 17-19, 1996

H. 454 - By Johnson (R)	41
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Air pollution, fines required to bring st. into compliance with Air Pollution Control Act, prescribed, Sec. 22-28-22 am'd.

On motion of Representative Carter, the resolution, H.R. 267, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

And the bill:

H. 84. (With Substitute) (With Amendment): To amend Sections 17-10-7, 17-10-9, and 17-10-10, Code of Alabama 1975, to provide for modifications to the language which is required to be printed on an absentee ballot envelope; to further prohibit county election officials from counting absentee ballots which are unwitnessed and unnotarized; and to provide for a delayed effective date.

and the pending substitute and amendment reported by the Standing Committee on Constitution and Elections which were carried over on the tenth legislative day were taken up.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Venable offered the following substitute to the substitute reported by the Standing Committee on Constitution and Elections to the bill, H. 84, and to the pending committee amendment:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 17-10-5, 17-10-7, 17-10-9, and 17-10-10, Code of Alabama 1975, to provide more specific direction to absentee election managers regarding applications for ballots with evidence of fraudulent addresses or fraudulent continuous absentee voting; to provide for modifications to the language which is required to be printed on an absentee ballot envelope; to further prohibit county election officials from counting absentee ballots which have affidavits which are unwitnessed or unnotarized; and to provide for a delayed effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 17-10-5, 17-10-7, 17-10-9, and 17-10-10, Code of Alabama 1975, are amended to read as follows:

"§17-10-5.

"Upon receipt of the application for an absentee ballot, if the applicant's name appears on the list of qualified voters in the election to be held or, if the voter makes an affidavit for a challenged vote, the absentee election manager shall furnish the absentee ballot to the applicant by (1) forwarding it by United States mail to the applicant's or voter's residence address or the address where the voter regularly receives mail or (2) by handing the absentee ballot to the voter or, in the case of emergency voting, his or her designee in person. If the absentee election manager has ~~reasonable cause to believe~~ evidence that the applicant has given a fraudulent address on the application for the absentee ballot, the election manager shall require additional proof that the applicant receives mail at the address listed on the application on a regular basis. If the applicant fails to provide such evidence, the election manager shall turn over the ballot application to the district attorney for any action which may be necessary under Acts 1994, No. 94-320 Sections 17-10-3 to 17-10-5, inclusive, 17-10-7, 17-10-12, 17-10-17, 17-12-1 to 17-12-3, inclusive, 17-12-7, and 17-12-8, or other acts pursuant to other law. The absentee election manager further ~~may~~ shall require additional proof of a voter's eligibility to vote absentee when there is evidence of continuous absentee voting which may be fraudulent. The absentee election manager shall mail any absentee ballot requested to be mailed no later than the next business day after an application has been received unless the absentee ballots have not been delivered to the absentee election manager. If the absentee ballots have not been so delivered, the absentee election manager shall hold all requests until the ballots are delivered and shall then respond by placing ballots in the mail no later than the next business day.

The official list of qualified voters shall be furnished to the absentee election manager by the judge of probate or other person preparing the list at least 45 days before the election. Any supplemental list of qualified electors shall also be provided to the absentee election manager as soon as the list becomes available. The absentee election manager shall underscore on the list the name of the voter and shall write immediately beside his or her name the word "absentee." The absentee election manager shall enroll the name, residence, and polling place of the applicant, and the date the application was received on a list of absentee voters. Each day the absentee election manager shall enter on the list the names, addresses, and polling places of each voter who has that day applied for an absentee ballot and shall post a copy of the list of applications received each day on the regular bulletin board or other public place in the county courthouse. The list shall be maintained in the office of the clerk or register for 60 days after the election, at which time it shall be filed with the judge of probate. Before the polls open at any election, the absentee election manager shall effectuate the delivery to the election officers of each polling place a list showing the name and address of every person whose name appears on the official list of qualified electors for the polling place who applied for an absentee ballot in the election. The name of the person who applied for an absentee ballot shall be stricken from the list of qualified electors kept at the polling place, and the person shall not vote again. Separate applications for absentee ballots are required for elections which are more than 30 days apart.

"§17-10-7.

"Each absentee ballot shall be accompanied by an envelope upon which shall be printed an affidavit. This affidavit form which shall be used in general, special, or municipal elections shall be printed substantially as follows:

"State of Alabama

"County of _____

"I, the undersigned, do swear (or affirm) that:

"(1) I am a resident of _____ county in the State of Alabama.

"(2) My place of residence in Alabama is:

"

"(street)

"

_____, Alabama
"(city or town) (zip code)

"(3) My voting precinct (or place where I vote) is: "

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"(4) My date of birth "is: _____
"month day year

"(5) I am entitled to vote an absentee ballot because:

"Check only one:

" _____ I have moved from Alabama less than thirty days prior to the election.

" _____ I will be out of the county or the state on election day.

" _____ I am physically incapacitated and will not be able to vote in person on election day.

" _____ I work a required workplace shift that conflicts with polling hours.

" _____ I meet the qualifications to vote by emergency absentee ballot due to a medical emergency.

" _____ I meet the qualifications to vote by emergency absentee ballot due to a business emergency.

"I further swear (or affirm) that I have not voted nor will I vote in person in the election to which this ballot pertains.

"I have marked the enclosed absentee ballot voluntarily and that I have read or had read to me and understand the instructions accompanying this ballot and that I have carefully complied with such instructions.

"Moreover, I further swear (or affirm) that all of the information given above is true and correct to the best of my knowledge and that I understand that by knowingly giving false information so as to vote illegally by absentee ballot that I shall be guilty of a misdemeanor which is punishable by a fine not to exceed ~~\$1,000.00 and~~ one thousand dollars (\$1,000) or confinement in the county jail for not more than six months, or both.

" _____
"(Signature or mark of voter.)

" _____
"(Printed name of voter.)

~~"Note: Your signature must be witnessed by either: A notary public or other officer authorized to acknowledge oaths or two witnesses 18 years of age or older.~~

"IF YOUR AFFIDAVIT IS NOT SIGNED (OR MARKED) AND IS NOT VERIFIED BY TWO WITNESSES 18 YEARS OF AGE OR OLDER OR A NOTARY PUBLIC, YOUR BALLOT WILL NOT BE COUNTED.

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"Sworn to and subscribed before me this _____ day of _____, 19____.
I certify that the affiant is known (or made known) to me to be the identical party
he or she claims to be.

"_____ (Signature of official)

"(Title of official)

"(Address of official)

"OR

"1st Witness

"Signature

"

"Print name

"

"Address

"

"City

"Zip Code"

"2nd Witness

"

"Signature

"

"Print name

"

"Address

"

"City

"Zip Code"

"§17-10-9.

"Each prospective absentee voter who meets the requirements of this chapter shall be furnished with the absentee ballot herein provided for, together with two envelopes for returning his or her marked ballot. One envelope shall be a plain envelope in which the ballot shall be sealed by the voter after he or she has marked it.

"The second envelope shall have the voter's affidavit printed on the back and shall be large enough to seal the plain ballot envelope inside. The second envelope shall also be a return mail envelope.

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"Such return mail envelope shall be addressed on the front to the absentee election manager and shall be endorsed on the left-hand upper corner thereof printed substantially as follows:

"Absent Voter's Ballot. State, County, Municipal, General, Primary or Special Election (as the case may be) to be held on the day of, 19____. From (name of voter), precinct or districts, County of, Alabama."

"After marking the ballot and subscribing the oath herein required, the voter shall seal his or her ballot in the plain envelope, place that plain envelope inside the affidavit envelope, complete the affidavit, have a notary or two witnesses verify his or her signature to the affidavit, and shall forward it by United States mail to the addressee or shall hand it to him or her in person."

"§17-10-10.

"Upon receipt of the absentee ballot, the absentee election manager shall record its receipt thereof on the absentee list as provided in Section 17-10-5 and shall safely keep the ballot without breaking the seal of the affidavit envelope. On the day of the election, beginning at 12:00 noon, the absentee election manager shall deliver the sealed affidavit envelopes containing absentee ballots to the election officials provided for in Section 17-10-11, ~~and such~~. The election officials shall ~~then~~ call the name of each voter casting an absentee ballot with poll watchers present as may be provided under the laws of Alabama and shall ~~open~~ examine each affidavit envelope, ~~review the affidavit to certify that such to determine if the signature of the voter has been appropriately verified. If the verification of the signature and the information in the affidavit establish that the voter is entitled to vote by absentee ballot, then the election officials shall certify the findings, open each affidavit envelope,~~ and deposit the plain envelope containing the absentee ballot into a sealed ballot box.

"No poll worker or other election official shall open an absentee ballot with an affidavit that is unsigned or unmarked and is not verified by two witnesses or a notary public, and no ballot envelope or ballot therein may be removed or counted.

"The absentee ballots shall upon the closing of the polls be counted and otherwise handled in all respects as if the said absentee voter were present and voting in person. As regards municipalities with populations of less than 10,000, in the case of municipal elections held at a time different from a primary or general election, ~~such the~~ return mail envelopes containing the ballots shall be delivered to the election official of the precinct of the respective voters."

Section 2. This act shall become effective on upon its passage and approval by the Governor, or upon its otherwise becoming a law, and shall apply only to elections held thereafter.

RESOLUTION

The following resolution was introduced:

By Representative Morrow:

H.J.R. 268. NAMING A PORTION OF U. S. HIGHWAY 43 THE A.W. TODD HIGHWAY.

The resolution, H.J.R. 268, was read and referred to the Standing Committee on Rules.

H. 84 RESUMED

The question was then on the adoption of the substitute offered by Representative Venable to the substitute reported by the Standing Committee on Constitution and Elections to the bill, H. 84, and to the pending committee amendment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 11. COMMENDING MICHAEL JOHN HERING FOR OUTSTANDING COURAGE IN HIS HEROIC RESCUE OF HIS COUSIN AND GRANDMOTHER.

Also:

S.J.R. 47. RECOGNIZING THE 21ST ANNUAL MEETING OF THE NATIONAL SICKLE CELL PROGRAMS TO BE HELD IN MOBILE, ALABAMA.

Also:

S.J.R. 48. DESIGNATING AUGUST 18, 1996, AS CHURCH OF GOD PENTECOSTAL DAY IN THE CITY OF PRICHARD.

Also:

S.J.R. 49. COMMENDING LOIS ROCKHOLD, TILLMAN'S CORNER 1995 CITIZEN OF THE YEAR.

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Also:

S.J.R. 61. COMMENDING JAMES A. FINDLEY AND DESIGNATING APRIL 26, 1996, AS JAMES A. FINDLEY DAY IN THE STATE OF ALABAMA.

Also:

S.J.R. 62. COMMENDING THE HOLTVILLE HIGH SCHOOL BOYS BASKETBALL TEAM, AND DESIGNATING APRIL 26, 1996, AS HOLTVILLE HIGH SCHOOL BULLDOG DAY IN THE STATE OF ALABAMA.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 432. To provide for the implementation of a constitutional amendment authorizing the county commission to regulate the operation of bingo in Russell County, Alabama.

TOMMY CARTER
Chairman

And the bill, H. 432, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 469. Proposing an amendment to Amendment 334 of the Constitution of Alabama of 1901, relating to the Madison County Judicial Commission; specifying the membership, powers, and method of operation of the commission, and clarifying the term of office of the judicial officer assuming office.

TOMMY CARTER
Chairman

And the bill, H. 469, as engrossed, was ordered sent to the Senate.

RESOLUTION

The following resolution was introduced:

By Representative Morrison:

H.J.R. 269. RECOGNIZING THE SISTER CITIES AGREEMENT BETWEEN THE CITY OF CULLMAN AND THE COMMUNITY OF FRANKWEILER ON THE WEINTRABE, GERMANY.

The resolution, H.J.R. 269, was read and referred to the Standing Committee on Rules.

RECESS

The hour of 12:00 o'clock Noon having arrived and pursuant to the motion heretofore adopted, the House recessed until 1:15 o'clock p.m.

HOUSE RECONVENED

The hour of 1:15 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 32. To propose an amendment to the Constitution of Alabama of 1901, relating to Clay County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments and rescue squads;

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providing for expenditure and accounting of the funds; providing for the tax to self-destruct upon dissolution of the Clay County Volunteer Fire Department Association and the county rescue squads; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

Also:

H. 188. Relating to Randolph County; amending Act No. 85-616, H. 696 of the 1985 Regular Session (Acts 1985, p. 944), to provide that the sheriff in his or her official capacity may expend excess allowances payable by the state for feeding prisoners for the maintenance and upkeep of the county jail; and to provide that the provisions of this act are declaratory of existing law and are retroactive to January 18, 1983.

Also:

H. 230. Proposing an amendment to the Constitution of Alabama of 1901, relating to Cherokee County, authorizing the Cherokee County Commission to levy an additional ad valorem tax for fire protection and rescue services.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 81. Relating to Greene County; providing for the installation of vending machines in the canteen in the county jail; and providing further for the distribution of the profits received from the vending machines.

Also:

H. 189. Relating to Randolph County, amending Section 1 of Act 81-938, 1981 First Special Session, to authorize the county commission to provide for an additional recording fee for certain documents filed for record in the Office of the Judge of Probate.

Also:

H. 275. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901; to grant certain powers and authority to Walker County and each municipality situated wholly therein relating to the acquisition, leasing, sale, and development of industrial sites and industrial park projects; and

to specify that actions authorized by this amendment taken subsequent to January 1, 1996, are ratified.

Also:

H. 345. Relating to Lamar County; to provide for the mileage allowance of the coroner.

Also:

H. 361. Relating to Randolph County; proposing an amendment to the Constitution of Alabama of 1901; to validate certain laws regulating court costs.

Also:

H. 369. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Washington County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system and repealing Act No. 95-319, 1995 Regular Session.

Also:

H. 445. To reenact an amendment to the Constitution of Alabama of 1901, proposed by Act No. 95-224, to provide for the election of the Franklin County Superintendent of Education by the qualified electors residing in the Franklin County School system; and to ratify, validate, and confirm any actions taken pursuant to the amendment proposed by Act No. 95-224.

McDOWELL LEE
Secretary

H. 84 RESUMED

MOTION TO TABLE LOST

The motion offered by Representative Hooper to table the substitute offered by Representative Venable to the substitute reported by the Standing Committee on Constitution and Elections to the bill, H. 84, and to the pending committee amendment was lost.

Yeas 42; Nays 43.

Yea:

Representatives Allen, Carns, Clouse, Crigler, Curry, Dean, Dolbare, Ford, Gaines, Galliher, Gaston, Gipson, Hamilton, Haney, Hawkins, Hill, Hooper,

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Jorgensen, Knight (A), Laird, McKee, McMillan, Millican, Moore, Morrison, Morton, Murphree, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Vance and Wren.

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Nay:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Dukes, Graham, Guin, Hall (A), Hall (L), Hammett, Hayden, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (C), Perdue, Reed, Robinson, Rogers (J), Spratt, Thomas (J), Venable, White and Willis.

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RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Thomas (J):

H.R. 270. MOURNING THE DEATH OF NATASHA LAYESMON PURDIE.

Also:

By Representative Thomas (J):

H.R. 271. MOURNING THE DEATH OF WILLIAM CLEVELAND PURDIE.

H. 84 RESUMED

MOTION TO TABLE LOST

The motion offered by Representative Wren to table the substitute offered by Representative Venable to the substitute reported by the Standing Committee on Constitution and Elections to the bill, H. 84, and to the pending committee amendment was lost.

Yeas 35; Nays 47.

Yea:

Representatives Allen, Carns, Clouse, Crigler, Curry, Dean, Gaines, Gaston,

Hall (A), Haney, Hawkins, Hill, Hooper, Jorgensen, Knight (A), Laird, McKee, McMillan, Moore, Morton, Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend and Wren.

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Nay:

Representatives Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Clark (W), Collins, Dolbare, Dukes, Galliher, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hayden, Hilliard, Hogan, Houston, Johnson (E), Johnson (R), Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Minnifield, Mitchell, Morrison, Murphree, Newton (C), Reed, Robinson, Rogers (J), Smith, Spratt, Thomas (J), Vance, Venable and Willis.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 188. Relating to Randolph County; amending Act No. 85-616, H. 696 of the 1985 Regular Session (Acts 1985, p. 944), to provide that the sheriff in his or her official capacity may expend excess allowances payable by the state for feeding prisoners for the maintenance and upkeep of the county jail; and to provide that the provisions of this act are declaratory of existing law and are retroactive to January 18, 1983.

Also:

H. 81. Relating to Greene County; providing for the installation of vending machines in the canteen in the county jail; and providing further for the distribution of the profits received from the vending machines.

Also:

H. 189. Relating to Randolph County, amending Section 1 of Act 81-938, 1981 First Special Session, to authorize the county commission to provide for an additional recording fee for certain documents filed for record in the Office of the Judge of Probate.

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Also:

H. 345. Relating to Lamar County; to provide for the mileage allowance of the coroner.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 32. To propose an amendment to the Constitution of Alabama of 1901, relating to Clay County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to certain volunteer fire departments and rescue squads; providing for expenditure and accounting of the funds; providing for the tax to self-destruct upon dissolution of the Clay County Volunteer Fire Department Association and the county rescue squads; granting immunity from certain liability to the county; and providing for a referendum election on this amendment.

Also:

H. 230. Proposing an amendment to the Constitution of Alabama of 1901, relating to Cherokee County, authorizing the Cherokee County Commission to levy an additional ad valorem tax for fire protection and rescue services.

Also:

H. 275. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901; to grant certain powers and authority to Walker County and each municipality situated wholly therein relating to the acquisition,

leasing, sale, and development of industrial sites and industrial park projects; and to specify that actions authorized by this amendment taken subsequent to January 1, 1996, are ratified.

Also:

H. 361. Relating to Randolph County; proposing an amendment to the Constitution of Alabama of 1901; to validate certain laws regulating court costs.

Also:

H. 369. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Washington County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system and repealing Act No. 95-319, 1995 Regular Session.

Also:

H. 445. To reenact an amendment to the Constitution of Alabama of 1901, proposed by Act No. 95-224, to provide for the election of the Franklin County Superintendent of Education by the qualified electors residing in the Franklin County School system; and to ratify, validate, and confirm any actions taken pursuant to the amendment proposed by Act No. 95-224.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

H. 84 RESUMED

The question was then on the adoption of the substitute offered by Representative Venable to the substitute reported by the Standing Committee on Constitution and Elections to the bill, H. 84, and to the pending committee amendment.

H. 84 CARRIED OVER

On motion of Representative Venable, the bill, H. 84, and the pending substitutes and amendment were carried over to the twelfth legislative day.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Venable, the Budget Isolation Resolution and the bill, H. 507, were carried over to the twelfth legislative day.

Yeas 45; Nays 34.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Carns, Carothers, Clark (W), Dolbare, Dukes, Guin, Hall (L), Hamilton, Hawkins, Hayden, Hilliard, Hogan, Houston, Jackson, Johnson (R), Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Minnifield, Mitchell, Murphree, Newton (C), Page, Parker (T), Payne, Robinson, Smith, Spratt, Townsend, Vance, Venable, Warren and Willis.

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Nay:

Representatives Allen, Clouse, Crigler, Curry, Dean, Flowers, Gaines, Gaston, Gipson, Hall (A), Haney, Hill, Hinshaw, Hooper, Jorgensen, Knight (A), McKee, McMillan, Moore, Morrison, Morrow, Morton, Papucci, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Turner and Wren.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Turnham intended to vote "Yea" on the motion offered by Representative Venable to carry over the Budget Isolation Resolution and the bill, H. 507, to the twelfth legislative day.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Carothers, the Budget Isolation Resolution relating to the bill, H. 563, was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carothers, Clark (W), Clouse, Collins, Crigler, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Parker (T), Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Warren, Willis and Wren.

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And the bill:

H. 563. (With Amendments): To amend Sections 22-8A-2, 22-8A-3, 22-8A-4, 22-8A-5, 22-8A-6, 22-8A-7, 22-8A-8, 22-8A-9, and 22-8A-10, Code of Alabama 1975, to: authorize competent adults to make written directions concerning the providing, withholding, or withdrawing of life-sustaining treatment and artificially provided nutrition and hydration in instances of terminal conditions and permanent unconsciousness, permit the designation of proxy decision-makers, and provide for the appointment of surrogate decision-makers in instances where the patient has not made such a designation.

was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Health, said committee amendment being as follows:

Amend H. 563 on Page 30, Subsection (7), line 27 after the word "acting" by striking ~~by consensus~~ and inserting in lieu thereof the following: unanimously

SUBSTITUTE OFFERED

Representative Carothers offered the following substitute to the bill, H. 563, and to the pending committee amendments:

A BILL TO BE ENTITLED AN ACT

To amend Sections 22-8A-2, 22-8A-3, 22-8A-4, 22-8A-5, 22-8A-6, 22-8A-7, 22-8A-8, 22-8A-9, and 22-8A-10, Code of Alabama 1975, to: authorize competent

adults to make written directions concerning the providing, withholding, or withdrawing of life-sustaining treatment and artificially provided nutrition and hydration in instances of terminal conditions and permanent unconsciousness, permit the designation of proxy decision-makers, and provide for the appointment of surrogate decision-makers in instances where the patient has not made such a designation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 22-8A-2, 22-8A-3, 22-8A-4, 22-8A-5, 22-8A-6, 22-8A-7, 22-8A-8, 22-8A-9, and 22-8A-10, Code of Alabama 1975, are amended to read as follows:

"§22-8A-2.

"The legislature finds that competent adult persons have the ~~fundamental~~ right to control the decisions relating to the rendering of their own medical care, including, ~~without limitation, the decision to have medical procedures, life-sustaining procedures- treatment, and artificially provided nutrition and hydration provided, withheld, or withdrawn in instances of terminal condition~~ conditions and permanent unconsciousness.

"In order that the rights of ~~patients~~ individuals may be respected even after they are no longer able to participate actively in decisions about themselves, the legislature hereby declares that the laws of this state shall recognize the right of ~~an~~ a competent adult person to make a written declaration instructing his or her physician to provide, withhold, or withdraw life-sustaining procedures treatment and artificially provided nutrition and hydration or designate by lawful written form a health care proxy to make decisions on behalf of the adult person concerning the providing, withholding, or withdrawing of life-sustaining treatment and artificially provided nutrition and hydration in the event of in instances of a terminal condition ~~conditions and permanent unconsciousness~~. The Legislature further desires to provide for the appointment of surrogate decision-makers in instances where the individual has not made such a designation.

"§22-8A-3.

"As used in this chapter, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

"(1) ADULT. Any person 19 years of age or over.

"(2) ARTIFICIALLY PROVIDED NUTRITION AND HYDRATION. A medical treatment consisting of the administration of food and water through a tube or intravenous line, where the recipient is not required to chew or swallow voluntarily. Artificially provided nutrition and hydration does not include assisted feeding, such as spoon or bottle feeding.

"(3) ADVANCE DIRECTIVE FOR HEALTH CARE. A writing executed in accordance with Section 22-8A-4 which may include a living will, the appointment of a health care proxy, or both such living will and appointment of a health care proxy.

"(4) ATTENDING PHYSICIAN. The physician selected by, or assigned to, the patient who has primary responsibility for the treatment and care of the patient.

"(2) DECLARATION. A witnessed document in writing, voluntarily executed by the declarant in accordance with the requirements of section 22-8A-4.

"(5) COMPETENT ADULT. An adult who is alert, capable of understanding a lay description of medical procedures and able to appreciate the consequences of providing, withholding, or withdrawing medical procedures.

"(6) HEALTH CARE PROVIDER. A person who is licensed, certified, registered, or otherwise authorized by the law of this state to administer or provide health care in the ordinary course of business or in the practice of a profession.

"(7) HEALTH CARE PROXY. Any person designated to act on behalf of an individual pursuant to Section 22-8A-4.

"(8) LIFE-SUSTAINING PROCEDURE TREATMENT. Any medical treatment, procedure, or intervention which that, in the judgment of the attending physician, when applied to a qualified the patient, would serve only to prolong the dying process where the patient has a terminal illness or injury, or would serve only to maintain the patient in a condition of permanent unconsciousness and where, in the judgment of the attending physician, death will occur whether or not such procedure or intervention is utilized. Life-sustaining procedure shall not include the administration of medication or the performance of any medical procedure deemed necessary to provide comfort or care or to alleviate pain. These procedures shall include, but are not limited to, assisted ventilation, cardiopulmonary resuscitation, renal dialysis, surgical procedures, blood transfusions, and the administration of drugs and antibiotics. Life-sustaining treatment shall not include the administration of medication or the performance of any medical treatment where, in the opinion of the attending physician, the medication or treatment is necessary to provide comfort or to alleviate pain.

"(9) LIVING WILL. A witnessed document in writing, voluntarily executed by the declarant, that gives directions and may appoint a health care proxy, in accordance with the requirements of Section 22-8A-4.

"(10) PERMANENT UNCONSCIOUSNESS. A condition that, to a reasonable degree of medical certainty:

"a. Will last permanently, without improvement; and

"b. In which thought, sensation, purposeful action, social interaction, and awareness of self and environment are absent; and

"c. Which condition has existed for a period of time sufficient, in accordance with applicable professional standards, to make such a diagnosis; and

"d. Which condition is confirmed by a physician who is qualified and experienced in making such a diagnosis.

"(11) PERSON. An individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

"(4)(12) PHYSICIAN. A person licensed to practice medicine and osteopathy in the state of Alabama.

~~"(5) QUALIFIED PATIENT. A patient, who has executed a declaration in accordance with this chapter and who has been diagnosed and certified in writing to be afflicted with a terminal condition by two physicians who have personally examined the patient, one of whom shall be the attending physician.~~

"(13) SURROGATE. Any person appointed to act on behalf of an individual pursuant to Section 22-8A-11.

"(6) (14) TERMINALLY ILL OR INJURED PATIENT. A patient whose death is imminent or whose condition, to a reasonable degree of medical certainty, is hopeless unless he or she is artificially supported through the use of life-sustaining procedures.

"§22-8A-4.

"(a) Any competent adult person may execute a declaration living will directing the providing, withholding, or withdrawal of life-sustaining procedures in a terminal condition. The declaration treatment and artificially provided nutrition and hydration. Artificially provided nutrition and hydration shall not be withdrawn or withheld pursuant to the living will unless specifically authorized therein.

"(b) A competent adult may execute at any time a living will that includes a written health care proxy designation appointing another competent adult to make decisions regarding the providing, withholding, or withdrawal of life-sustaining treatment and artificially provided nutrition and hydration. Artificially provided nutrition and hydration shall not be withdrawn or withheld pursuant to the proxy designation unless specifically authorized therein. A proxy designation made pursuant to this section shall be accepted in writing by the individual being appointed. The acceptance shall be evidenced in writing and attached to the proxy designation. The proxy designation may be a separate document or part of a living will.

"(i) The designation of an attorney-in-fact, made pursuant to Section 26-1-2, as amended from time to time, who is specifically authorized to make decisions regarding the providing, withholding, or withdrawing of life-sustaining treatment or artificially provided nutrition and hydration in instances involving terminal illness or injury and permanent unconsciousness, constitutes for purposes of this act a proxy designating another individual to act for the declarant pursuant to this Section 22-8A-4(b), provided, however, that the authority granted to an attorney-in-fact to make such decisions shall be the same as the authority granted in this chapter to a health care proxy. The appointment shall be limited to the specific directions enumerated in the appointment.

"(ii) Any powers granted to a health care proxy in an advance directive for health care executed pursuant to this Section 22-8A-4(b) that permit a health care proxy to make general health care decisions not related to the provision, withdrawal, or withholding of life-sustaining treatment or artificially provided nutrition and hydration shall be limited to those powers permitted under the Alabama Durable Power of Attorney Act, Section 26-1-2, as the same shall be amended from time to time.

"(iii) Unless otherwise provided in the proxy designation or in an order of divorce, dissolution, or annulment of marriage, the divorce, dissolution, or annulment of marriage of the declarant revokes the designation of the declarant's former spouse as health care proxy.

"(iv) Under no circumstances shall the patient's health care provider or a nonrelative employee of the patient's health care provider make decisions in the capacity of a health care proxy.

"(c) Any advance directive for health care made pursuant to this chapter shall be:

"(1) In writing;

"(2) Signed by the person making the ~~declaration~~ advance directive for health care, or by another person in the declarant's presence and by the declarant's expressed direction;

"(3) Dated; and

"(4) Signed in the presence of two or more witnesses at least 19 years of age neither of whom shall be the person who signed the ~~declaration~~ advance directive for health care on behalf of and at the direction of the person making the ~~declaration~~ advance directive for health care, appointed as the health care proxy therein, related to the declarant by blood, adoption, or marriage, entitled to any portion of the estate of the declarant according to the laws of intestate succession of this state or under any will of the declarant or codicil thereto, or directly financially responsible for declarant's medical care.

"(d) An advance directive for health care shall become effective when: (1) the attending physician determines that the declarant is no longer able to understand, appreciate, and direct his or her medical treatment; and (2) two physicians, one of whom shall be the attending physician, have personally examined the declarant and have diagnosed and documented in the medical record that the declarant has either a terminal illness or injury or is in a state of permanent unconsciousness.

"(e) The declaration of a qualified patient advance directive for health care of a declarant who is known diagnosed as pregnant by the attending physician to be pregnant shall have no effect during the course of the qualified patient's declarant's pregnancy.

"(b)(f) It shall be the responsibility of the declarant to provide a copy of for notification to his or her attending physician of the existence of the declaration the advance directive for health care to his or her attending physician and other health care providers rendering treatment to the declarant. An attending physician who is so notified The health care provider shall make the declaration advance directive for health care, or a copy of the declaration advance directive for health care, a part of the declarant's medical records.

"(g) In the event a declarant has executed both a living will and a proxy designation, the decisions by the health care proxy duly designated under this chapter regarding the providing, withholding, or withdrawal of life-sustaining treatment or artificially provided nutrition or hydration, shall take precedence over a living will of a declarant, unless the declarant's living will or proxy designation indicates otherwise.

"(e)(h) The declaration advance directive for health care shall be substantially in the following form, but in addition may include other specific directions. Should any of the other specific directions be held to be invalid, such the invalidity shall not affect other directions of the declaration advance directive for health care which can be given effect without the invalid direction, and to this end the directions in the declaration advance directive for health care are severable.

"DECLARATION

"ADVANCE DIRECTIVE FOR HEALTH CARE

"Declaration This advance directive for health care is made this ____ day of _____ (Month, year). I, _____ being 19 years of age or older, of sound mind, hereby revoke any prior advance directive for health care, and in lieu thereof hereby willfully and voluntarily make known my desires by my instructions to others through my living will, or by my appointment of a health care proxy, or both, that my dying shall not be artificially prolonged under the circumstances set forth below, and do hereby declare:

"If at any time I should have an incurable injury, disease, or illness certified to be a terminal condition by two physicians who have personally examined me, one of whom shall be my attending physician, and the physicians have determined that my death will occur whether or not life-sustaining procedures are utilized and where the application of life-sustaining procedures would serve only to artificially prolong the dying process, I direct that such procedures be withheld or withdrawn, and that I be permitted to die naturally with only the administration of medication or the performance of any medical procedure deemed necessary to provide me with comfort care.

"I. LIVING WILL

"If my attending physician determines that I am no longer able to give directions to my health care providers regarding my medical treatment, I direct my attending physician and other health care providers to provide, withhold, or withdraw certain treatment from me under the circumstances I have indicated below by my initials. I understand that by initialling any of the paragraphs in this Living Will I am authorizing the withholding or withdrawal of certain treatments and this may lead to my death. I understand that I will be given treatment that is necessary for comfort or to alleviate my pain except where I specifically request otherwise.

"(a) TERMINAL ILLNESS OR INJURY. If my attending physician and another physician determine that I have an incurable terminal illness or injury which will lead to my death within six months or less:

"(1) I DO want medically indicated life-sustaining treatment, even if it will not cure me and will only prolong the dying process.

(Initials)

"OR

"I do NOT want life-sustaining treatment which would not cure me but which would only prolong the dying process.

(Initials)

"In addition, before life-sustaining treatment is withheld or withdrawn as directed above, I direct that my attending physician shall discuss with the following persons, if they are available, the benefits and burdens of taking such action and my stated wishes in this advance directive:

(Initials)

"(2) I understand that artificially provided nutrition and hydration (tube feeding of food and water) may be necessary to preserve my life.

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"(i) I DO want medically indicated artificially provided nutrition and hydration, even if it will only prolong the dying process.

(Initials)

OR

"(ii) I do NOT want artificially provided nutrition and hydration under the circumstance initialed below:

(Initials) (a) even if withholding or withdrawing it causes me pain.

"(OR)

(Initials) (b) only if withholding it or withdrawing it, in the judgment of my attending physician, would not cause me undue pain.

"In addition, before artificially provided nutrition and hydration are withheld or withdrawn as directed above, I direct that my attending physician shall discuss with the following persons, if they are available, the benefits and burdens of taking such action and my stated wishes in this advance directive:

(Initials)

"(3) I direct that (add other medical directives, if any) (if none, state "none"):

(Initials)

"(b) PERMANENT UNCONSCIOUSNESS. If in the judgment of my attending physician and another physician, I am in a condition of permanent unconsciousness:

"(1) I DO want medically indicated life-sustaining treatment, even if it will not cure me and will only maintain me in a condition of permanent unconsciousness.

(Initials)

"OR

"I do NOT want life-sustaining treatment which would not cure me but which would only maintain me in a condition of permanent unconsciousness.

(Initials)

"In addition, before life-sustaining treatment is withheld or withdrawn as directed above, I direct that my attending physician shall discuss with the following persons, if they are available, the benefits and burdens of taking such action and my stated wishes in this advance directive:

(Initials)

"(2) I understand that artificially provided nutrition and hydration (tube feeding of food and water) may be necessary to preserve my life.

"(i) I DO want medically indicated artificially provided nutrition and hydration, even if it will only maintain me in a condition of permanent unconsciousness.

(Initials)

"OR

"(ii) I do NOT want artificially provided nutrition and hydration under the circumstance initialed below:

_____ (a) even if withholding or withdrawing it causes me pain.
(Initials)

"(OR)

_____ (b) only if withholding it or withdrawing it, in the judgment
(Initials) of my attending physician, would not cause me undue pain.

"In addition, before artificially provided nutrition and hydration are withheld or withdrawn as directed above, I direct that my attending physician shall discuss with the following persons, if they are available, the benefits and burdens of taking such action and my stated wishes in this advance directive:

(Initials)

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"(3) I direct that (add other medical directives, if any) (if none, state "none"):

(Initials)

"II. APPOINTMENT OF MY HEALTH CARE PROXY

"I understand that my health care proxy is a person whom I may choose here to make medical treatment decisions for me as described below.

"(a) I do NOT want to appoint a health care proxy.

(Initials)

"(b) I DO want to appoint a health care proxy. If my attending physician determines that I am no longer able to give directions to my health care providers regarding my medical treatment, I direct my attending physician and other health care providers to follow the instructions of _____, whom I appoint as my health care proxy. If my health care proxy is unable to serve, I appoint _____ as my alternate health care proxy with the same authority. My health care proxy is authorized to make whatever medical treatment decisions I could make if I were able, including decisions regarding the withholding or withdrawing of life-sustaining treatment.

"(i) I specifically do [] do not [] authorize my health care proxy to make decisions regarding whether artificially provided nutrition and hydration be withheld or withdrawn.

"(ii) I specifically direct my health care proxy to (add other medical directives, if any) (if none, state "none"):

(Initials)

"III. CONFLICTING PROVISIONS

"If the decisions made by the person I have appointed as my health care proxy disagree with the instructions in my Living Will:

(Initials) I want the instructions in my Living Will to be followed.

(Initials) I want the person I have appointed as health care proxy to make the final decision.

"I understand that if I do not initial either of the above, then my health care proxy will make the final decision.

"IV. DEFINITIONS

"As used in this advance directive for health care, the following terms have the meaning set forth below:

"(a) ARTIFICIALLY PROVIDED NUTRITION AND HYDRATION. A medical treatment consisting of the administration of food and water through a tube or intravenous line, where I am not required to chew or swallow voluntarily. Artificially provided nutrition and hydration does not include assisted feeding, such as spoon or bottle feeding.

"(b) LIFE-SUSTAINING TREATMENT. Any medical treatment, procedure, or intervention that, in the judgment of the attending physician, when applied to me, would serve only to prolong the dying process where I have a terminal illness or injury, or would serve only to maintain me in a condition of permanent unconsciousness. These procedures shall include, but are not limited to, assisted ventilation, cardiopulmonary resuscitation, renal dialysis, surgical procedures, blood transfusions, and the administration of drugs and antibiotics. Life-sustaining treatment shall not include the administration of medication or the performance of any medical treatment where, in the opinion of the attending physician, the medication or treatment is necessary to provide comfort or to alleviate pain.

"(c) PERMANENT UNCONSCIOUSNESS. A condition that, to a reasonable degree of medical certainty:

"a. Will last permanently, without improvement; and

"b. In which thought, sensation, purposeful action, social interaction, and awareness of self and environment are absent; and

"c. Which condition has existed for a period of time sufficient, in accordance with applicable professional standards, to make such a diagnosis; and

"d. Which condition is confirmed by a physician who is qualified and experienced in making such a diagnosis.

"(d) TERMINALLY ILL OR INJURED PATIENT. A patient whose death is imminent or whose condition, to a reasonable degree of medical certainty, is hopeless unless he or she is artificially supported through the use of life-sustaining procedures.

"V. OTHER PROVISIONS

"(a) I understand that if I have been diagnosed as pregnant and that diagnosis is known to my attending physician, directions in this advance directive for

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health care concerning the providing, withholding, and withdrawal of life-sustaining treatment and artificially provided nutrition and hydration shall have no force or effect during the course of my pregnancy.

"(b) In the absence of my ability to give directions regarding the use of such life-sustaining ~~procedures~~ treatment, it is my intention that this ~~declaration~~ advance directive for health care shall be honored by my family, ~~and my physician(s), and health care provider(s)~~ as the final expression of my legal right to refuse medical or surgical treatment and accept the consequences from such refusal.

"(c) I understand the full import of this declaration and I am emotionally and mentally competent to make this ~~declaration~~ advance directive for health care.

"(d) Nothing herein shall be construed as a directive to exclude from consultation or notification any relative of mine about my health condition or dying. Written directives by me as to whether to notify or consult with certain family members shall be respected by health care workers, attorneys in fact, or surrogates.

"(e) I understand that I may revoke this directive at any time.

Signed _____

City, County and State
of Residence _____

Date _____

"The declarant has been personally known to me and I believe him or her to be of sound mind. I did not sign the declarant's signature above for or at the direction of the declarant and I am not appointed as the health care proxy therein. I am not related to the declarant by blood, adoption, or marriage, entitled to any portion of the estate of the declarant according to the laws of intestate succession or under any will of declarant or codicil thereto, or directly financially responsible for declarant's medical care.

Witness _____

Witness _____

Date _____

"I, _____, accept the proxy designation of the declarant and
I, _____, accept the alternate proxy designation of the declarant.

Signed _____

(proxy)

Signed _____

(alternate proxy)

Date _____

"§22-8A-5.

"(a) ~~A declaration~~ An advance directive for health care may be revoked at any time by the declarant by any of the following methods:

"(1) By being obliterated, burnt, torn, or otherwise destroyed or defaced in a manner indicating intention to cancel;

"(2) By a written revocation of the ~~declaration~~ advance directive for health care signed and dated by the declarant or person acting at the direction of the declarant; or

"(3) By a verbal expression of the intent to revoke the ~~declaration~~, advance directive for health care in the presence of a witness 19 years of age or older who signs and dates a writing confirming that such expression of intent was made. Any verbal revocation shall become effective upon receipt by the attending physician or health care provider of the above mentioned writing. The attending physician or health care provider shall record in the patient's medical record the time, date and place of when he or she received notification of the revocation.

"(b) There shall be no criminal or civil liability on the part of any person for failure to act upon a revocation made pursuant to this section unless that person has actual knowledge of the revocation.

"§22-8A-6.

~~"An attending physician who has been notified of the existence of a declaration executed under this chapter, without delay after the diagnosis of a terminal condition of the declarant, shall take the necessary steps to provide for written certification and confirmation of the declarant's terminal condition, so that declarant may be deemed to be a qualified patient under this chapter.~~

"An individual designated to make decisions regarding the providing, withholding, or withdrawing of life-sustaining treatment or artificially provided nutrition and hydration for another pursuant to Section 22-8A-4(b) shall make those decisions according to the specific instructions or directions given to him or

her in the designation or other document or by the individual making the designation. In the absence of specific directions or guidance, the designated proxy shall make those decisions that conform as closely as possible to what the patient would have done or intended under the circumstances, taking into account the patient's personal, philosophical, religious and moral beliefs, and ethical values relative to the decisions. Where possible, the designated proxy shall determine how the patient would have weighed the burdens and benefits of initiating or continuing life-sustaining treatment or artificially provided nutrition and hydration against the burdens and benefits to the patient of that treatment.

"§22-8A-7.

"(a) A competent adult may make decisions regarding life-sustaining treatment and artificially provided nutrition and hydration so long as that individual is able to do so. The desires of a qualified patient an individual shall at all times supersede the effect of the declaration an advance directive for health care.

"(b) If the qualified patient individual is incompetent not competent at the time of the decision to provide, withhold, or withdraw life-sustaining procedures treatment or artificially provided nutrition and hydration, a declaration living will executed in accordance with section 22-8A-4 (a) or a proxy designation executed in accordance with Section 22-8A-4(b) is presumed to be valid. For the purpose of this chapter, a physician or medical care facility health care provider may presume in the absence of actual notice to the contrary that an individual who executed a declaration was of sound mind an advance directive for health care was competent when it was executed. The fact of an individual's having executed a declaration an advance directive for health care shall not be considered as an indication of a declarant's mental incompetency. Age Advanced age of itself shall not be a bar to a determination of competency.

"(c) No physician, licensed health care professional, medical care facility, other health care provider, or any employee thereof who in good faith and pursuant to reasonable medical standards causes or participates in the providing, withholding, or withdrawing of life-sustaining procedures from a qualified treatment or artificially provided nutrition and hydration from a patient pursuant to a declaration living will or designated proxy made in accordance with this chapter or pursuant to the directions of a duly designated surrogate appointed in accordance with this chapter, in the absence of actual knowledge of the revocation thereof, shall, as a result thereof, be subject to criminal or civil liability, or be found to have committed an act of unprofessional conduct.

"§22-8A-8.

"(a) An attending physician A health care provider who refuses to comply with the declaration of a qualified patient a living will or the directions of a duly designated proxy or a duly appointed surrogate pursuant to this chapter shall promptly so advise the declarant and any individual designated to act for the declarant, shall not be liable for such his refusal, but shall permit the qualified

patient to be transferred to another ~~physician~~ health care provider. Such health care provider shall reasonably cooperate to assist the declarant, or any individual designated to act for the declarant, in the transfer of the declarant to another health care provider that will follow the directions of the living will, health care proxy, or surrogate.

"(b) Any person who willfully conceals, cancels, defaces, obliterates or damages the ~~declaration~~ advance directive for health care of another without ~~such~~ the declarant's consent or who falsifies or forges a revocation of the ~~declaration~~ advance directive for health care of another shall be guilty of a Class A misdemeanor.

"(c) Any person who falsifies or forges the ~~declaration~~ advance directive for health care of another, or willfully conceals or withholds personal knowledge of the revocation of a ~~declaration~~ an advance directive for health care, with the intent to cause a withholding or withdrawal of life-sustaining ~~procedures~~ treatment or artificially provided nutrition and hydration contrary to the wishes of the declarant, and thereby, because of such act, directly causes life-sustaining ~~procedures~~ treatment or artificially provided nutrition and hydration to be withheld or withdrawn and death to be hastened, shall be guilty of a Class C felony.

"§22-8A-9.

"(a) The withholding or withdrawal of life-sustaining ~~procedures~~ treatment or artificially provided nutrition and hydration from a ~~qualified~~ patient in accordance with the provisions of this chapter shall not, for any purpose, constitute a suicide and shall not constitute assisting suicide.

"(b) The making of a ~~declaration~~ an advance directive for health care pursuant to ~~section 22-8A-4~~ this chapter shall not affect in any manner the sale, procurement, or issuance of any policy of life or health insurance, nor shall it be deemed to modify the terms of an existing policy of life or health insurance. No policy of life or health insurance shall be legally impaired or invalidated in any manner by the withholding or withdrawal of life-sustaining ~~procedures~~ treatment or artificially provided nutrition and hydration from an insured ~~qualified~~ patient, notwithstanding any term of the policy to the contrary.

"(c) No physician, ~~medical care facility~~, or other health care provider, and no health care service plan, health maintenance organization, insurer issuing disability or life or health insurance, self-insured employee welfare benefit plan, nonprofit medical service corporation, or mutual nonprofit hospital or hospital service corporation shall require any person to execute a ~~declaration~~ an advance directive for health care as a condition for being insured for, or receiving, health care services.

"(d) Nothing in this chapter shall impair or supersede any legal right or legal responsibility which any person may have, under case law, common law, or statutory law, to effect the withholding or withdrawal of life-sustaining ~~procedures~~

treatment or artificially provided nutrition and hydration in any lawful manner. In such respect the provisions of this chapter are cumulative.

"(e) Nothing in this chapter shall impair or supersede the jurisdiction of the circuit court in the county where a patient is undergoing treatment to determine whether life-sustaining treatment or artificially provided nutrition and hydration should be withheld or withdrawn in circumstances not governed by this chapter.

"(e)(f) This chapter shall create no presumption concerning the intention of an individual who has not executed a ~~declaration~~ an advance directive for health care to consent to the use or withholding of life-sustaining ~~procedures in the event of a terminal condition~~ treatment or artificially provided nutrition and hydration."

"§22-8A-10.

"Nothing in this chapter shall be construed to condone, authorize or approve mercy killing or physician assisted suicide or to permit any affirmative or deliberate act or omission to end life other than to permit the natural process of dying as provided in this chapter."

Section 2. (a) If no advance directive for health care has been made, or if no duly appointed health care proxy is reasonably available, or if a valid advance directive for health care fails to address a particular circumstance, subject to the provisions of subsection (c) hereof, a surrogate, in consultation with the attending physician, may, subject to the provisions of Section 22-8A-6, Code of Alabama 1975, determine whether to provide, withdraw, or withhold life-sustaining treatment or artificially provided nutrition and hydration if all of the following conditions are met:

(1) The attending physician determines, to a reasonable degree of medical certainty, that:

a. The individual is no longer able to understand, appreciate, and direct his or her medical treatment, and

b. The individual has no hope of regaining such ability.

(2) Two physicians, one of whom is the attending physician, have personally examined the individual and have diagnosed and certified in the medical record that the individual has a terminal illness or injury or has a condition of permanent unconsciousness.

(3) The attending physician or other health care provider and the surrogate have no actual knowledge of the existence of a valid advance directive for health care that would give guidance to the provider in treating the individual's condition.

(4) The treating physician determines, to a reasonable degree of medical certainty, that withholding or withdrawing the life-sustaining treatment or artificially

provided nutrition and hydration will not result in undue pain or discomfort for the patient.

(b) The surrogate shall be a competent adult.

(c) The surrogate shall consult with the attending physician and make decisions permitted herein that conform as closely as possible to what the patient would have done or intended under the circumstances, taking into account any evidence of the patient's religious, spiritual, personal, philosophical, and moral beliefs and ethics, to the extent these are known to the surrogate. Where possible, the surrogate shall consider how the patient would have weighed the burdens and benefits of initiating or continuing life-sustaining treatment or artificially provided nutrition and hydration against the burdens and benefits to the patient of that treatment; except, that any decision by a surrogate regarding the withdrawal or withholding of artificially provided nutrition and hydration from a person who is permanently unconscious shall only be made upon clear and convincing evidence of the patient's desires. For the purpose of this chapter, any writing of the patient, whether or not such writing conforms to the forms prescribed in or the requirements of this chapter, or any unrescinded plain and unambiguous oral statement of the patient made to a third party specifically regarding artificially provided nutrition and hydration shall be deemed clear and convincing evidence. The decision to provide, withdraw, or withhold life-sustaining treatment or artificially provided nutrition and hydration by the surrogate shall be made in good faith and without consideration of the financial benefit or burden which will accrue to the surrogate or the health care provider as a result of the decision.

(d) Any of the following persons, in order of priority stated, when persons in prior classes are not available or willing to serve, may serve as a surrogate pursuant to the provisions of this section:

(1) A judicially appointed guardian, provided the appointment specifically authorizes the guardian to make decisions regarding the withholding of life-sustaining treatment or artificially provided nutrition and hydration. Nothing in this section shall be construed to require a judicial appointment before a decision can be made under this chapter. In addition, this section shall not be construed to require a judicially appointed guardian who has not been specifically authorized by a court to make decisions regarding the providing, withholding, or withdrawing of life-sustaining treatment or artificially provided nutrition and hydration to make those decisions or to seek court approval to make those decisions;

(2) The patient's spouse, unless legally separated or a party to a divorce proceeding;

(3) An adult child of the patient;

(4) One of the patient's parents;

(5) An adult sibling of the patient;

(6) Any one of the patient's surviving adult relatives who are of the next closest degree of kinship to the patient; or

(7) If the patient has no relatives known to the attending physician or to an administrator of the facility where the patient is being treated, a committee composed of the patient's primary treating physician and the ethics committee of the facility where the patient is undergoing treatment or receiving care, acting unanimously; or if there is no ethics committee, by unanimous consent of a committee appointed by the chief of medical staff or chief executive officer of the facility and consisting of at least the following: (i) the primary treating physician; (ii) the chief of medical staff or his or her designee; (iii) the patient's clergyman, if known and available, or a member of the clergy who is associated with, but not employed by or an independent contractor of the facility, or a social worker associated with but neither employed by nor an independent contractor of the facility.

(e) The surrogate shall certify and attest under oath that he or she has contacted one or more of the person or persons who is or are in a class equal to or higher than the surrogate and that a majority of each class has either consented or expressed no objections to him or her acting as surrogate. The certification shall be included in the medical record.

(f) A surrogate's decision shall nevertheless be valid if:

(1) He or she is unable to contact an individual whose consent or non-objection would otherwise be required because the individual's whereabouts are unknown, because the individual is in a remote location and cannot be contacted in sufficient time to participate in a decision to provide, withhold, or withdraw the treatment, or because the individual has been adjudged incompetent and remains under that disability; and

(2) The surrogate certifies and attests to that fact. In that case, the individual shall not be included in determining whether a majority of the individual's class has consented or expressed no objection as required pursuant to Section 22-8A-11(e), Code of Alabama 1975.

(g) A health care provider who provides, withholds, or withdraws life-sustaining treatment or artificially provided nutrition and hydration from a patient upon the instructions of a surrogate who has certified and attested that he or she has qualified as a surrogate as required by this section shall not be subject to civil or criminal liability or be found to have committed an act of unprofessional conduct for providing, withdrawing, or withholding the life-sustaining treatment or artificially provided nutrition and hydration, nor shall the health care provider be deemed to be under a duty to investigate the truthfulness of the information certified and attested to by the surrogate.

(h) A surrogate acting pursuant to this section shall not be subject to civil or criminal liability or found to have committed an act of unprofessional conduct for

decisions made in good faith to provide, withhold, withdraw, continue, or institute life-sustaining treatment, or artificially provided nutrition and hydration, unless the surrogate falsely or fraudulently certifies or attests to information required by this section.

(i) The Alabama State Board of Health shall prescribe by rule a form, which, when completed by a surrogate and duly notarized, shall constitute the certification of the surrogate as required by this chapter.

(j) If any relative, health care provider who is involved directly in the care of the patient, or other individual who is involved directly in providing care to the patient desires to dispute the authority of a surrogate to determine whether to provide, withhold, or withdraw medical treatment from a patient, he or she may file an action for declaratory and injunctive relief in the circuit court for the county where the patient is under treatment. The court may grant relief only upon a finding that material information certified and attested to by the surrogate is incorrect. A health care provider who is confronted by more than one individual who claims authority to act as surrogate for a patient may file an action for declaratory relief in the circuit court for the county where the patient is under treatment.

(i) An individual who knowingly certifies and attests to any information which is:

(1) Required by this chapter;

(2) Material to his or her authorization to act as a surrogate; and

(3) False, shall be guilty of a Class C felony. This shall be in addition to, and not in lieu of, penalties for other offenses of which the surrogate may be guilty by reason of this conduct.

Section 3. An advance health-care directive executed in another state in compliance with the law of that state or of this state is valid for purposes of this act, but this section does not authorize the administration, withholding, or withdrawal of health care otherwise prohibited by the laws of this state.

Section 4. Any declaration made prior to the effective date of this chapter shall be given effect as provided in this chapter provided that:

(a) Such declaration was legally effective when written; and

(b) Artificially provided nutrition and hydration shall not be withdrawn pursuant to the declaration unless specifically authorized therein.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

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Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO CARRY OVER OFFERED

Representative Hall (L) offered the motion to carry over the bill, H. 563, the pending substitute offered by Representative Carothers and the pending amendments reported by the Standing Committee on Health to the twelfth legislative day.

H. 563 TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the bill, H. 563, the pending substitute, committee amendments and the motion offered by Representative Hall (L) were temporarily carried over at the request of Representative Carothers.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, H. 546, was adopted.

Yeas 61; Nays 0.

Yea:

Representatives Baker, Black (M), Box, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hawkins, Hill, Hilliard, Hogan, Holmes, Johnson (E), Johnson (R), Kennedy, Knight (A), Laird, Lindsey, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Venable and Willis.

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And the bill:

H. 546. To amend Sections 23-1-271, 23-1-272, 23-1-273, and 23-1-274, as amended by Act 95-566, H. 547, 1995 Regular Session (Acts 1995, p. 1182); 23-1-278, 23-1-279, and 23-1-280 as amended by Act 95-566, H. 547, 1995 Regular Session (Acts 1995, p. 1182), of the Code of Alabama 1975, relating to outdoor signs regulated by the Highway Beautification Act-Outdoor Advertising to provide for the prohibition of signs adjacent to scenic byways; to provide for the spacing of signs allowed by the act; to add the National Highway System to the highways covered by the act; and to convert measurements to metric units.

was taken up.

AMENDMENT OFFERED

Representative McDaniel offered the following amendment #1 to the bill, H. 546:

Remove all of the strikes through of English units of measure throughout the bill and place the English units of measure in parenthesis.

Further amend House Bill No. 546 on page 10, line 14, after the word "after" by deleting January 1, 1997 and inserting in place there of April 1, 1996.

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McClammy, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Willis and Wren.

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AMENDMENT OFFERED

Representative McDaniel offered the following amendment #2 to the bill, H. 546, as amended:

Amend House Bill No. 546, Page 10, Line 16, by striking out the period after the word "byway" and inserting the following: " , provided that this prohibition shall not apply to segments of a scenic byway included for continuity purposes only, after a determination by the Department that the segment does not itself qualify."

AMENDMENT ADOPTED

And the amendment #2 was adopted.

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Yeas 64; Nays 1.

Yea:

Mr. Speaker, Baker, Black (L), Box, Carns, Clouse, Collins, Crigler, Curry, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Petelos, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable and Willis.

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Nay:

Representative Dolbare.

- 1

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 267, the time to debate the bill, H. 546, as amended, expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, H. 545, was adopted.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Buskey, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Penry, Petelos, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Vance, Venable and Willis.

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And the bill:

H. 545. To amend Sections 36-29A-2 and 36-29A-7 of the Code of Alabama 1975, to provide that the State Employees' Insurance Board shall pay medical costs for Department of Transportation employees injured on the job; to exempt the Alabama Department of Transportation from a certain program under the Division of Risk Management of the Department of Finance; and to provide that the Department of Transportation shall cover its employees for on-the-job death or injury under a certain self-insurance program of the department.

was taken up.

SUBSTITUTE OFFERED

Representative McDaniel offered the following substitute to the bill, H. 545:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 36-29A-7 of the Code of Alabama 1975, to exempt the Alabama Departments of Transportation and Public Safety from a certain program under the Division of Risk Management of the Department of Finance, and to provide that the Department of Transportation and Public Safety shall cover their employees for on-the-job death or injury under certain self-insurance programs of the departments.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 36-29A-7 of the Code of Alabama 1975, are amended to read as follows:

"§36-29A-7.

"The program established by the Director of Finance pursuant to the provisions of this chapter shall not apply to the State Docks Department, the Alabama Department of Transportation, the Department of Public Safety, nor to any educational institution, nor to any city or county board of education. The Department of Transportation shall cover its employees for on-the-job death or injury under the provisions of Section 23-1-41 of the Code of Alabama 1975. The Department of Public Safety shall cover its employees for on-the-job death or injury under the provisions of Section 32-2-10 of the Code of Alabama 1975.

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Section 2. This act shall become effective October 1, 1996, upon approval of the Governor or upon its otherwise becoming a law.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 267, the time to debate the bill, H. 545, and the pending substitute offered by Representative McDaniel expired and the Speaker proceeded to the next bill on the Special Order Calendar.

RESOLUTION

The following resolution was introduced:

By Representative Johnson (E):

H.J.R. 272. COMMENDING CHRISTOPHER PHILLIP STEPHENS ON OBTAINING THE RANK OF EAGLE SCOUT.

The resolution, H.J.R. 272, was read and referred to the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (E), the Budget Isolation Resolution relating to the bill, H. 623, was adopted.

Yeas 46; Nays 15.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Carns, Carothers, Clark (W), Gaines, Gaston, Guin, Hall (L), Hammett, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), McAdory, McClammy, Melton, Millican, Minnifield, Mitchell, Morrow, Newton (C), Page, Parker (T), Payne, Petelos, Sims, Smith, Spratt, Townsend, Vance and Willis.

Nay:

Representatives Curry, Dolbare, Dukes, Graham, Hall (A), Hamilton, Haney, Laird, Morrison, Morton, Papucci, Pringle, Sanderford, Turnham and Venable.

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And the bill:

H. 623. To exempt the Iron and Steel Society, Incorporated, from the payment of all state, county, and municipal sales and use taxes which would be levied on any expenses of the society which are related to the annual conference of the society to be held in Birmingham, Alabama, March 17, 18, and 19, 1996.

was taken up.

AMENDMENT OFFERED

Representative Johnson (E) offered the following amendment to the bill, H. 623:

Amend H. 623 on page 1, line 24 after the word "Birmingham" by inserting the following language:

"This bill would also provide that any state, county, or municipal sales or use taxes associated with expenses related to the annual conference that have been paid by the Iron and Steel Society, Incorporated will be refunded to the Iron and Steel Society, Incorporated."

Further amend the bill on page 2, line 8 after the figure "1996" by inserting the following language: "and to provide that any state, county, or municipal sales or use taxes associated with expenses related to the annual conference that have been paid by the Iron and Steel Society, Incorporated will be refunded to the Iron and Steel Society, Incorporated."

Further amend the bill on page 2, after line 15 by inserting the following new Section 2 and by renumbering the remaining sections accordingly:

"Section 2. Any state, county, or municipal sales*or use taxes associated with expenses related to the annual conference that have been paid by the Iron and Steel Society, Incorporated prior to the effective date of this act shall be refunded to the Iron and Steel Society, Incorporated."

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 267, the time to debate the bill, H. 623, and the pending amendment offered by Representative Johnson (E) expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Johnson (R) offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 454.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 267, the time to debate the bill, H. 454, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

H. 563 AGAIN TAKEN UP

MOTION TO CARRY OVER TABLED

On motion of Representative Carothers, the motion offered by Representative Hall (L) to carry over the bill, H. 563, the pending substitute offered by Representative Carothers and the pending amendments reported by the Standing Committee on Health to the twelfth legislative day, was tabled.

Yeas 42; Nays 27.

Yea:

Mr. Speaker, Black (M), Box, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hammett, Hawkins, Hill, Hinshaw, Johnson (R), Jorgensen, Laird, Lindsey, McMillan, Millican, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Parker (T), Payne, Penry, Pringle, Robinson, Smith, Turnham, Venable, Warren and Wren.

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Nay:

Representatives Bandy, Black (L), Boyd, Buskey, Carns, Clark (W), Hall (L), Haney, Hayden, Hilliard, Houston, Jackson, Johnson (E), Kennedy, Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Petelos, Rogers (M), Spratt, Thomas (D), Thomas (J), Townsend and Vance.

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SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Representative Carothers to the bill, H. 563, and to the pending committee amendments, and the substitute was adopted.

Yeas 64; Nays 10.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, McClammy, McDaniel, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Thomas (D), Townsend, Turnham, Venable, Warren, Willis and Wren.

-64

Nay:

Representatives Black (L), Carns, Hall (L), Hilliard, Houston, Johnson (E), McDAdory, Minnifield, Spratt and Vance.

-10

MOTION TO CARRY OVER TABLED

On motion of Representative Carothers, the motion offered by Representative Carns to carry over the the bill, H. 563, as amended, to the thirteenth legislative day was tabled.

Yeas 32; Nays 31.

Yea:

Mr. Speaker, Black (M), Box, Buskey, Carothers, Clark (W), Clouse, Dolbare, Flowers, Gipson, Guin, Hall (A), Hammett, Hill, Hogan, Johnson (R), Knight (A), Lindsey, McMillan, Millican, Mitchell, Moore, Morrow, Newton (C), Page, Parker (T), Pringle, Robinson, Turnham, Venable, Willis and Wren.

-32

REGULAR SESSION
11th Day

1183

Nay:

Representatives Allen, Boyd, Carns, Collins, Crigler, Curry, Dukes, Galliher, Hall (L), Haney, Hawkins, Hilliard, Houston, Jackson, Johnson (E), Jorgensen, Laird, Maull, McAdory, Melton, Minnifield, Morton, Papucci, Penry, Petelos, Rogers (M), Sanderford, Sanderson, Spratt, Townsend and Vance.

-31

AMENDMENT OFFERED

Representative Gaines offered the following amendment to the bill, H. 563, as amended:

Amend H. 563 on page 6, Section 10, line 8 by adding after the word "which" the following: cognitive

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 63; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dolbare, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, McAdory, McClammy, McMillan, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderson, Smith, Spratt, Thomas (D), Townsend, Turnham, Venable and Willis.

-63

Nay:

Representatives Dukes and Sanderford.

- 2

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representatives Sanderford and Dukes inadvertently voted "Nay" and intended to vote "Yea" on adoption of the amendment offered by Representative Gaines to the bill, H. 563, as amended.

MOTION TO CARRY OVER TABLED

On motion of Representative Carothers, the motion offered by Representative Carns to carry over the the bill, H. 563, as amended, to the fourteenth legislative day was tabled.

Yeas 36; Nays 22.

Yea:

Mr. Speaker, Baker, Black (M), Box, Buskey, Carothers, Clark (W), Clouse, Collins, Flowers, Gaston, Gipson, Guin, Hall (A), Hammett, Hayden, Hill, Hinshaw, Hogan, Jackson, Johnson (R), Knight (A), Laird, McMillan, Melton, Millican, Minnifield, Morrow, Parker (T), Payne, Reed, Smith, Thomas (D), Thomas (J), Turnham and Venable.

-36

Nay:

Representatives Boyd, Carns, Crigler, Curry, Hall (L), Haney, Hawkins, Houston, Jorgensen, McAdory, Morton, Murphree, Papucci, Penry, Petelos, Rogers (M), Sanderford, Sanderson, Spratt, Townsend, Vance and Wren.

-22

MOTION TO ADJOURN LOST

The motion offered by Representative Haney that the House adjourn until 5:00 o'clock p.m., Tuesday, March 19, 1996, was lost.

Yeas 23; Nays 42.

Yea:

Representatives Allen, Bandy, Carns, Crigler, Curry, Graham, Hall (L), Haney, Hawkins, Hayden, Hilliard, Houston, Johnson (E), McAdory, Morton,

Papucci, Petelos, Reed, Sanderford, Sanderson, Spratt, Townsend and Vance.

-23

Nay:

Mr. Speaker, Baker, Black (M), Box, Boyd, Carothers, Clark (W), Clouse, Collins, Dolbare, Dukes, Flowers, Galliher, Gaston, Gipson, Guin, Hall (A), Hammett, Hill, Hinshaw, Hogan, Holmes, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, McMillan, Melton, Millican, Minnifield, Mitchell, Morrow, Murphree, Parker (T), Pringle, Smith, Thomas (D), Thomas (J), Turnham, Venable and Wren.

-42

H. 563 RESUMED

And the bill:

H. 563. To amend Sections 22-8A-2, 22-8A-3, 22-8A-4, 22-8A-5, 22-8A-6, 22-8A-7, 22-8A-8, 22-8A-9, and 22-8A-10, Code of Alabama 1975, to: authorize competent adults to make written directions concerning the providing, withholding, or withdrawing of life-sustaining treatment and artificially provided nutrition and hydration in instances of terminal conditions and permanent unconsciousness, permit the designation of proxy decision-makers, and provide for the appointment of surrogate decision-makers in instances where the patient has not made such a designation.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 68; Nays 7.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Buskey, Carothers, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrow, Murphree, Newton (C), Page, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Sanderford, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Venable, Willis and Wren.

-68

Nay:

Representatives Carns, Gaines, Hall (L), Haney, Papucci, Sanderson and Vance.

- 7

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 563, as amended:

Representatives Black (M), Clark (J), Collins, Dukes, Fuller, Galliher, Gipson, Guin, Haney, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Jorgensen, Knight (A), McAdory, McDaniel, McMillan, Minnifield, Sanderford, Spratt, Venable and Willis.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bill and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:15 A.M. on March 14, 1996.

H. 12	H.J.R. 234
H.J.R. 178	H.J.R. 235
H.J.R. 220	H.J.R. 236
H.J.R. 221	H.J.R. 237
H.J.R. 222	H.J.R. 238
H.J.R. 223	H.J.R. 239
H.J.R. 224	H.J.R. 240
H.J.R. 225	

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Clark (W), the House adjourned until 5:00 o'clock p.m., Tuesday, March 19, 1996.